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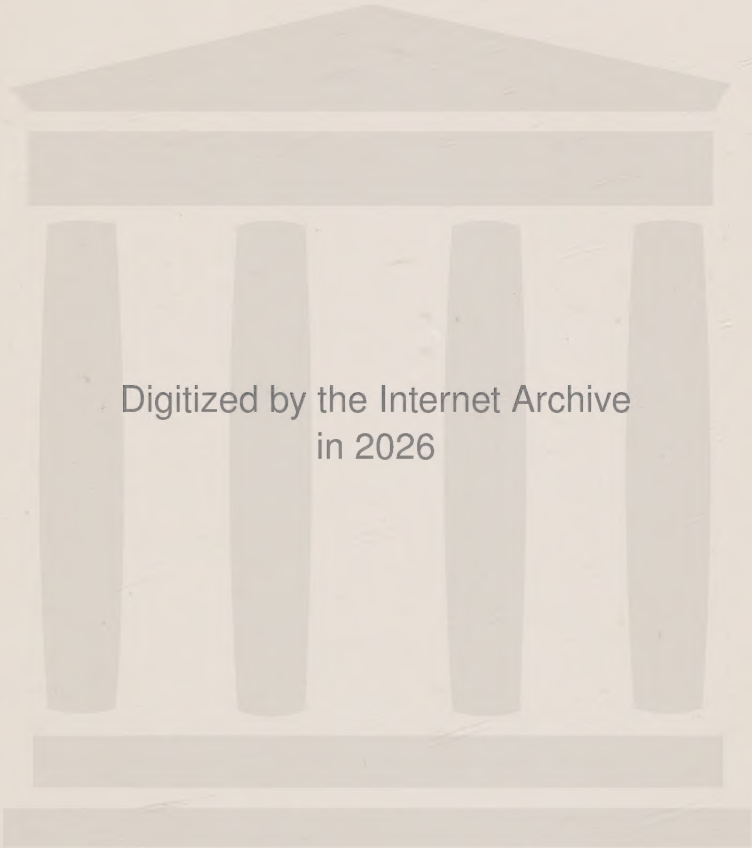
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HISTORY

OF

SOUTHERN ORATORY

HENRY CLAY IN THE SENATE.

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S72
Vol. 9

THE SOUTH *in the* Building *of the* Nation

A HISTORY OF THE SOUTHERN STATES DESIGNED *to* RECORD *the* SOUTH'S PART *in the* MAKING *of the* AMERICAN NATION; *to* PORTRAY *the* CHARACTER *and* GENIUS, *to* CHRONICLE *the* ACHIEVEMENTS *and* PROGRESS *and to* ILLUSTRATE *the* LIFE *and* TRADITIONS *of the* SOUTHERN PEOPLE

VOLUME IX

COMPLETE IN TWELVE VOLUMES

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EDITOR'S PREFACE.

IN this volume it has been our purpose to recognize and commemorate the work done by public speakers of the South, in the creation of popular opinion and the direction of nationally important events.

There are those who claim that the ideals of the statesmen, lawyers, writers and preachers of the Old South were peculiarly elevated, conducive to strictly legitimate methods in the Court House, the highest standards in literature, and the spirit of consecration in the Church, and the loftiest patriotism and integrity in affairs of state.

It is universally known and lamented that these noble ideals suffered terribly by the War of Secession, the Reconstruction era, and the one-party politics which the position of the North, on the negro question, forced upon the Solid South.

Nevertheless, in the main, Southern ideals and Southern standards persist.

It is true that in such publications as the *Encyclopædia Britannica,* where a complacent Northern people discuss the Southern situation, we find statements like this—"In the world of letters, at least, the Southern states have shown by reflected light, nor is it too much to say that mainly by their connection with the North, the Carolinas have been saved from sinking to the level of Mexico and the Antilles."

I suppose this view prevails to a greater extent than we Southern people imagine. The North has written more and published more than we have done,

largely because of the fact that the manufacture, including the mechanical make-up of books, has been done principally in the North. But one does not judge literature by its size, any more than one judges an oration by its length. In quantity the literature of the North is an ocean, but it is also like a South Georgia pond, as shallow as it is wide.

Those writers and speakers of America whose genius is recognized to have been creative and original were Southern men, such as Edgar A. Poe, Mark Twain, Joel Chandler Harris, Patrick Henry, Thomas Jefferson, Benjamin H. Hill, William Lowndes Yancey, Robert Toombs and Alexander H. Stephens.

The white population of the Southern states has never been in the slightest danger of sinking to the level of Latin America, for the simple reason that *we held our own convictions on the matter of social equality,* instead of taking our ideas from the North. There has been no mongrelization among the Southern whites, such as that which cursed Mexico, Cuba, Hayti, and Central and South America. The great white Celt-Teuton type cannot be found in greater purity anywhere than in the Southern states. The foreign element enters less into our life, and has less influence upon our customs, our manners, our standards, than it has in New England and other portions of the North and the West.

Distinctly Southern is the high sense of personal honor, the deference to womanhood, the pride that brooks no insult, which among the typical men of the South yields "place to the lady," and braves death rather than submit to personal humiliation. The North sneers at our notions of "chivalry" and "honor." To some extent we have allowed the ridicule to change our manners—for the worse: but we have not entirely surrendered the belief that, while vanity is weakness, pride is strength; and that the

very best evidence of the good breeding and good heart of the man is the courtliness of his bearing toward women.

True, the standards of the South are not what they used to be. Lawyers, doctors, preachers, editors, merchants, farmers and artisans have to put up with conditions unknown to the Old South, but perhaps we did not borrow *all* of this from the North. A great deal of it came from the lands beyond the seas, and it is still coming.

And yet there are some of us who have a profound conviction that, if Society is to be regenerated and the Republic won back to democracy, the ideals of the Old South must come again. To select some of the more notable characters of Southern history, and to reveal in their own public utterances the manner of men they were, has been the object of this volume. We trust that it may serve the purpose.

T. E. W.

HISTORY OF SOUTHERN ORATORY.

CHAPTER I.

THE HISTORY OF SOUTHERN ORATORY DURING THE COLONIAL PERIOD, 1763.

A GREAT popular movement uninfluenced by oratory is an inconceivable thing. Even those political convulsions brought about by secret societies are no exception to the rule that impassioned speech is needed to fire men to revolutionary action. Wherever there has been a revolt against tyranny, wherever there has been an upward struggle of humanity, the orator spoke the inspirational word before the warrior sprang forward to fight.

History blazons the names of those American champions of liberty whose burning eloquence kindled the flames of resistance to King George, but he who would know the whole truth must push his researches far back into colonial times.

In the year 1670, Virginia had a governor, Sir William Berkeley, who gloried in holding opinions like the following: "I thank God there are no free schools, nor printing, and I hope we shall not have, these hundred years; for learning has brought disobedience into the world, and printing has divulged them, and libels against the best governments. God keep us from both."

Let us remember that when the burgesses met in October, 1649, they hastened to denounce the execution of Charles I. The indignant Cavaliers declared that the king had been a most excellent sovereign and that after his death he had undoubtedly become a saint. They resolved that anyone who expressed approval of what Cromwell had done to Charles Stuart should be treated as accessory to the murder and prosecuted accordingly. Going still further in their loyalty to the crown, these Cavalier burgesses pronounced sentence of death against any and all who should "insinuate any doubt, scruple or question of or concerning" the undoubted right of Charles II. "to the colony of Virginia and all other of his Majesty's dominions."

The prince in whose favor this ardent and dangerous declaration of allegiance was made was at that time wandering about Europe, attended by some lewd women and faithful men. Sir William Berkeley was the royal governor—as proud, irascible, fearless, bigoted and narrow-minded an individual as one could easily name.

When Cromwell sent over some ships and soldiers to reduce Virginia to submission, Berkeley and the burgesses actually raised a force to resist the English fleet. It was not until after formal negotiations and the offer of satisfactory terms by the commonwealth commissioners to the Cavaliers, that submission was made; and even then the Virginians inserted into the written articles a clause to the effect that their acceptance of the commonwealth must be taken as "a voluntary act, not forced nor constrained by a conquest upon the country." Indeed, the compact expressly reserved all the rights of the colony, its legislature, and its freedom from taxation save by its own assembly.

In 1660 the restoration brought Sir William

Berkeley back to power, Charles II. having recommissioned him from Breda. For ten years nothing unusual marred the even tenor of government. A great Cavalier immigration into Virginia from England had swelled the population from 15,000 in 1650 to 40,000 in 1670. So ardently loyal were "the King's men" that Richard Lee, ancestor of him who moved the Declaration of Independence, had gone to Holland to invite the fugitive, dissolute Prince Charles to come to Virginia and be its king.

Among the faithful boon companions of Charles II. were the Lords Culpeper and Arlington. The careless, good-natured English monarch signed a royal grant conveying to his two favorites the colony of Virginia and its 40,000 people. Two nonresident English noblemen were to receive the revenues of the colony, appoint public officers, lay off new counties, make conveyances in fee simple, select the ministers for the parishes and manage all things after their pleasure. Thus a couple of tricky, grasping, unscrupulous courtiers became practically the owners of the Old Dominion.

The feeling of indignant resentment which this enormity of ingratitude and prerogative aroused among all classes in Virginia, may readily be imagined. There was another irritant at work upon the minds and the hearts of the Virginians. The odious navigation laws, which Cromwell had neglected, were now being rigorously enforced. The colonists were forbidden to trade with any other country than England, and even then the ships must be English, manned by Englishmen. These regulations established a huge and grinding monopoly in favor of British merchants against colonial producers. It hit the tobacco growers of Virginia with merciless severity, driving them to desperation.

To cap the climax of local trouble, the Indians took

the warpath—inflamed thereto by the murder of six chiefs who were killed in defiance of a flag of truce—and attacked the border, wreaking their vengeance upon innocent and helpless frontier families. All Virginia clamored to be led against the enemy. In the spring of 1676, 500 men were ready to march, but Governor Berkeley disbanded the force.

Here was a dramatic situation, a commingling of causes for popular excitement and outbreak which imperiously demanded the orator—the tongue that could utter what all Virginia felt.

And the man that met the occasion was Nathaniel Bacon—the patriot who deserves to hold as high a place of honor in American annals as Kossuth does in those of Hungary; Wallace in those of Scotland; Pym and Hampden in those of England. He was the first great hero-martyr in the long struggle of the colonies to establish their rights as free-born Englishmen.

Like so many other leaders of democracy, this young tribune was an aristocrat by birth, a cousin of Lord Culpeper. His were the speeches, his the fiery eloquence which now stirred the colony into the great rebellion of 1676. First leading the Virginians against the Indians, he followed up this work by demanding redress of grievances, freedom of navigation and home-rule. While the information which we possess about Nathaniel Bacon and his revolt is meagre, we have abundant evidence of the compelling power of his magnetic and dynamic oratory. In the very midst of his labors and successes, he suddenly sickened and died—the victim of fever contracted in the rebel trenches at Jamestown. That his leadership was indispensable to the uprising, was proved by the fact that it collapsed when his inspiring voice was no longer heard. While the great rebellion failed of its aim, there can be no doubt that

the tradition of the struggle had its influence upon opinion and subsequent events.

One of the principles for which this insurgent stood was manhood suffrage—and that is one of the live issues throughout the world to-day. "Bacon's Assembly" extended the suffrage to all freemen, but when the royalists regained the upper hand they again restricted the ballot to free holders.

In history and in art lives the scene where French deputies take the Oath of the Tennis Court, and the memorable character of the incident deserves its prominence and immortality. But to me there is equal grandeur in that stormy episode at the Middle Plantation (afterwards Williamsburg) where the dauntless young Bacon made one passionate appeal after another to the armed bands that surrounded him—the hot debate running all through the August afternoon and then continued by the light of torches—Bacon pleading, arguing, storming, beating down every objection, until these Virginians, sword in hand, unite in a written pledge to resist Berkeley *and any troops that may be sent from England to aid him!*

Surely no American orator ever won a more signal triumph than this. *That paper was the very first declaration hinting resistance to Great Britain that ever was signed on the American continent.*

The compact of rebellion made, torches are flung to the ground, the Cavaliers spring to the saddle, and the squadron dashes away to meet and scatter the Indians.

If the powerful influence of oratory in molding political opinion is notoriously known, its irresistible force in religious movements is no less evident.

In the colonial South, the Episcopal Church was as well established and proscriptive as in the old

country. Quakers and Bàptists were ridiculed, ostracized and persecuted. Sir William Berkeley was as bigoted a churchman as king's-man, and he showed no favor to dissenters. Virginia being Cavalier, the gentry took their religion by heredity, as they did their royalism. Because of this, and because no dissenter of that earlier time displayed any conspicuous ability, the power of the state church remained unshaken.

But toward the close of the Seventeenth century a great change took place. The wonderful eloquence of Whitfield, who preached at Williamsburg in 1740, carried Virginia by storm. Easy-going parsons who had read dull sermons on Sundays and had enlivened the week-days by fox-hunting, card-playing and wine-bibbing, suddenly faced the guns of criticism at point-blank range. William Robinson, a Presbyterian, held forth in Hanover, "denouncing the delinquencies of the parish ministers with unsparing invective." John Roan and Thomas Watkins were equally bold. The parsons of the Established Church were told that "Your churches and chapels are no better than the Synagogues of Satan."

In spite of prosecutions in the courts, the dissenters continued to preach and to proselyte. From the windows of the jails into which they were flung, the fearless New Light apostles harangued the crowds outside. The wonder-working eloquence of Patrick Henry was enlisted in behalf of these persecuted men, and it was soon found that the prosecutions were damaging the Episcopal clergy more than they hurt the dissenting ministers.

Francis Makamie (1699) was the first licensed Presbyterian preacher of Virginia, but the most effective of the New Light evangels was James Davies who planted the Presbyterian Church in Virginia, for he went to England and secured from the

attorney-general an opinion that the Act of Toleration was law in the colonies. After this, the Virginia authorities could not refuse to license the dissenting churches, and they sprang up in every direction. Thus had pulpit oratory mocked the decree issued by Sir William Berkeley in 1643, that "no minister should preach or teach publicly or privately except in conformity with the doctrines of the Church of England, and nonconformists shall be banished from the colony."

In 1643, a migration, led by Roger Green, took place from Nansemond, in Virginia, to the Chowan River, in what is now North Carolina. The settlement prospered and became the nucleus of the freest, most independent colony of the original thirteen. Free land to every immigrant, no taxes save those they levied upon themselves, and absolute freedom of conscience, distinguished North Carolina from the beginning.

In 1707 the Huguenots began to come, and in a few years Germans and Swiss were settling the De-Graffenreidt grant on the Neuse and Cape Fear rivers.

Here we have liberty-loving people and fighting stock. It is little wonder, therefore, that when a royalist governor like Tryon made inroads upon the rights and the property of these free and brave colonists, he should get a revolt on his hands.

In 1765 Great Britain passed the Stamp Act, and John Ashe and Hugh Waddell became the orators of sedition. Lashed into action by their appeals, the assembly, through its speaker, informed the governor that the odious law would be resisted "to blood and death."

On the arrival of the British ships, the *Diligence*

and *Viper,* the two orator-leaders, Ashe and Waddell, harangued the people to such effect that they rose in arms and forcibly prevented the landing of the stamp-paper. The patriots entered the governor's palace, seized the official who had been appointed stamp-distributer, carried him before a magistrate, and compelled him to subscribe to a written oath that he would not sell the stamps.

Governor Tryon, in the hope of conciliating the insurgents, gave a great "barbecue," roasting oxen and providing barrels of beer for the feast. The patriots came to the 'cue, but not to eat thereof. They pitched the roasted oxen into the Cape Fear River, and they broke in the beer barrels, wasting the fluid on the ground. Then the officers of the *Diligence* took the part of the governor, and a general fight ensued. These North Carolina patriots did not wait for the protection of darkness, nor did they disguise themselves with Mohawk war-paint and costume, as the more prudent Bostonians did, *eight years later,* when they threw the undefended and unresisting tea into the water.

The complete triumph of the patriots rankled in the memory of Governor Tryon, and he took his revenge at the battle of Alamance.

Roused by the inflammatory speeches of Harmon Husbands, the Regulators, in April, 1776, began their resistance to "abuses of power," unjust taxes and illegally excessive fees. This revolutionary movement, fanned and organized by such bold talkers and active leaders as Husbands, James Hunter, James Pugh, Rednap Howell, Daniel Gillespie, and Jacob Byrd soon drew into its ranks more than 2,000 farmers. So formidable was the revolt that Governor Tryon raised an army to suppress the insurrection. Equally determined, the regulators flew to

arms. On May 16, 1771, the battle of Alamance was fought, and the rebels beaten and scattered.

The men who fell on the losing side in that combat were just as truly martyrs to the rights of man as any that ever died. James Pugh, who had fought heroically in the battle and who was hanged as a traitor afterwards, told the people who witnessed his execution that *his blood would be as good seed sown on good ground, which would produce an hundredfold.* At the risk of their lives, these regulators protested against arbitrary government, against wrong cloaked with forms of law, against corruption in the administration of their public affairs. They went to war with Great Britain *to get their rights,* as the patriots of 1776 afterwards did. They were in advance of their times, and paid a grievous penalty, as pioneers usually do.

Just as there can be no doubt that the great rebellion of Nathaniel Bacon left its impress upon Virginia, so there can be no question that the glorious examples of Harmon Husbands, James Pugh and the other regulators had a mighty influence on the North Carolinians of 1775. Cornelius Harnett, "the Samuel Adams of North Carolina," had been a colleague of Husbands in the assembly during the struggle with Governor Tryon. He was the recognized leader when his people met in Congress at Halifax, April 4, 1775, and voted *the first "explicit sanction to independence."*

How the Virginia orators set the ball of revolution rolling; how the North Carolinians kept abreast and flamed out with the Mecklenburgh Resolutions; how the eloquence of Rutledge and Laurens, Drayton and Middleton fired South Carolina; how Joseph Habersham and Lyman Hall, Noble Jones, Archibald Bullock, James Jackson and Button Gwinnett roused the Georgians; how Maryland responded to the ap-

peals of Samuel Chase, Charles Carroll, William Paca, Matthew Tilghman and Thomas Stone is an inspiring story, but it has been told so fully in other chapters that repetition here is unnecessary.

THOS. E. WATSON,
Author of Life of Thomas Jefferson, Etc.

CHAPTER II.

SOUTHERN ORATORY DURING THE FORMATIVE AND REVOLUTIONARY PERIODS, 1763-88.

THE tendency of celebrated cases at law to stimulate revolutionary thought, investigation, speech and outbreak, is one of the most interesting features of modern history. Students familiar with the records, trace the origin of the French Revolution to three judicial battles. By an ill-advised prosecution of Beaumarchais, that brilliant, unscrupulous and indefatigable agitator and schemer was provoked by the parliamentary judge, Goezman, into making a resistance which brought the upper judicial fabric of France into utter disrepute. With memorials, comedies, and witticisms which flew from mouth to mouth, Beaumarchais wrought the people up to such a pitch of enthusiastic sympathy with himself in his opposition to the persecutions of the Parliament, that he practically destroyed that body and forced the King, Louis XV, to buy him off. But he had inflicted upon the higher judiciary an injury from which it never recovered. Again, there was the celebrated litigation connected with the atrocious legalized murder of Jean Calas, the Protestant of Toulouse. With intense zeal, and using every weapon in his well-stocked armory, Voltaire opened up his batteries upon the Catholic Hierarchy, and by the time that he had pamphleteered England, as well as Continental Europe, the higher clergy had been brought into universal contempt and odium. The other case was that which King Louis XVI most unwisely

brought against Cardinal de Rohan. Every reader of French history is familiar with it. While it was in progress, Talleyrand wrote to a friend, "Observe that miserable affair of the Necklace; I should not wonder if it overturns the monarchy." Mirabeau said, long afterwards, " The case of the Necklace was the prelude of the Revolution." At the end of that prosecution, royalty was in the mud and Marie Antoinette might very well say to her confidential friend and servant, Madame Campan, " Come and weep with your Queen, insulted and sacrificed by cabal and injustice."

English history is rich in similar episodes. The constitutional question which John Hampden raised against the king's personal levy of ship-money, was litigation begun by a rich man to protect himself from a tax of less than $5; but it brought up the whole vastly important subject of royal perogative. The question was whether taxes should be laid by the king himself, or by the people, through their representatives. This celebrated case, together with others of like character, brought on the revolution of 1688, from which dates so many of the popular liberties now enjoyed by English-speaking people.

It appears to be strictly historical to say that the Revolutionary War in America grew out of law cases. The resistance which James Otis made to the " Writs of Assistance," in Massachusetts, certainly laid the foundation of insurrectionary thought and speech in New England. Referring to this Court House fight which the eloquent young lawyer made in defense of colonial rights, John Adams declared, "There the Revolution was born."

Similar to these Massachusetts cases, was the celebrated "Parsons case," which Patrick Henry accepted when all of the lawyers who knew anything about law had refused it. Henry didn't know any

law at that time, and, therefore, came to the question with a mind untrammeled by precedent, unfettered by statues and decisions. Taking hold of the case broadly, he laid down the proposition that the English king, three thousand miles away, had no right to dictate local legislation for people living in Virginia. Such a proposition, of course, opened up the whole field of discussion of the rights of a people to free themselves from the personal rule of a king, or the arbitrary legislation of a different people. The argument of Patrick Henry in the Parsons case substantially rested upon the ground that every people inherently possess the right of self-government. This was a principle which the Courts could not, at that time, uphold, but which the populace seized upon with avidity. Not only did such a doctrine commend itself to their natural instinct of justice and of independence, but it harmonized with their material interests and, therefore, became in their minds a conviction for which they were willing to fight. Just as the speeches of Otis scattered the seed on the good ground in New England, so the fearless and democratic teachings of Patrick Henry in Virginia prepared the Old Dominion to listen eagerly to those who preached the gospel of Home Rule.

So much is due to such pioneers of American Independence as Patrick Henry and Thomas Jefferson, and so liberally has this obligation been acknowledged, that the background is held by one whose name deserves at the hand of historians the encouraging invitation "come up higher." This is Richard Henry Lee. A man of comfortable fortune, retiring in his habits, scholarly in his attainments, a Chesterfield in private life, and a Cicero in the senate, he lived one of the purest, most useful and most unsel-

fish lives of any of the statesmen of the formative and revolutionary period.

The beginnings of the troubles with the mother country found Richard Henry Lee residing upon his plantation in Westmoreland county. When the Declaratory Act of Parliament was passed in March, 1764 (15th Act of 4 George III), the Act in which Parliament announced its determination to tax America, we find Lee writing to a friend in London under date of May 31, 1764, commenting upon that Act, and raising the very questions against it upon which all the debates afterwards raged. He specifically contended that the people of America could not be taxed without consulting their representatives. So far as I know, this is the earliest written assertion of the principles upon which the Revolutionary War was fought. When the Stamp Act itself followed the next year, Mr. Lee did not confine his exertions to letters. He drew up articles of association to be signed by the people of his own country, pledging them to resistance to the Stamp Act. Early in 1766, when the stamps arrived in his part of Virginia, Mr. Lee issued a call to the members of the Westmoreland Association, a company of horse assembled, and these patriots, riding to the residence of the stamp collector, compelled him to surrender his official commission and to deliver up all of the stamped paper that he had in his possession. They also demanded that he take his oath neither directly or indirectly to promote the sale or use of stamped paper. The collector refused. Riding up to him a fierce member of the band uttered the one stern word, "Swear." The terrified collector immediately took the oath. His commission and the stamped paper were then burned in his presence.

In 1764, Mr. Lee carried through the House of Burgesses the resolution to memorialize the English

RICHARD HENRY LEE.

government, in remonstrance against their assumption of power to levy tax upon the colonies without the consent of the Colonial representatives. The illustrous South Carolina orator and revolutionary leader, Christopher Gadsden, in the course of a public address made a few years before his death—a 4th of July speech—stated that Richard Henry Lee had invited him to become a member of a private correspondence society as early as the year 1768, which society, as Mr. Lee informed him, he was endeavoring to establish between influential men of all the colonies. There is in existence a letter written from his Virginia home, Chantilly, by Mr. Lee to John Dickinson, of Pennsylvania, on July 25, 1768, in which he formally alludes to his plan for committees of correspondence to be put at work by all the colonies. In 1773, the House of Burgesses of Virginia took the matter up about the same time that the Assembly of Massachusetts was at work upon it, and Dabney Carr was the orator who presented with irresistible force and eloquence the suggestion which had originated with Richard Henry Lee.

Working hand in hand with such patriots as Jefferson and Carr and Patrick Henry, Mr. Lee accomplished as much as any of them in furnishing the arguments and making the appeals which aroused the attention of the people and fixed their convictions. He was present when Patrick Henry made his celebrated speech which Mr. Jefferson credits with having set in motion the ball of the Revolution. The biographer of Patrick Henry, William Wirt, writes, "He (Mr. Henry) was followed by Richard Henry Lee, who charmed the House with a different kind of eloquence. Chaste, classical, beautiful, his polished periods rolled along without effort, filling the ear with the most bewitching har-

mony and delighting the mind with the most exquisite imagery."

The father of Chief Justice Marshall, after describing Mr. Henry's speech, said that he was followed by Richard Henry Lee, who stated the force which Britain could probably bring against us and reviewed our own resources and means of resistance: compared the advantages and disadvantages of both parties and drew from the statement auspicious inferences; but he concluded by saying that, "Admitting the probable calculations to be against us, we are assured in Holy Writ that the race is not to the swift nor the battle to the strong, and if the language of genius may be added to that of inspiration, I will say with our immortal bard,

> "Thrice is he armed who hath his quarrel just,
> And he but naked, tho' locked up in steel
> Whose conscience with injustice is oppressed."

This is very curious. It would seem to prove that when William Wirt was picking up scraps and shreds and patches to manufacture the Patrick Henry speech which appears in the Wirt biography, he seized upon a portion of the address actually delivered by Richard Henry Lee.

Becoming a member of Congress, Mr. Lee went to the forefront immediately. In the debate for independence, precipitated by the motion of Mr. Lee, he was among the Southern delegates what John Adams was among those of the North, the colossus of the debate. The discussion of Lee's motion that the Colonies declare themselves independent states continued from June 7th to the 4th of July. We again find this Ciceronian orator making use of some of the language which appears in the Patrick Henry speech composed by William Wirt. After a preliminary review of the resources of Britain and

the colonies, and a brief reference to the righteousness of the cause of the colonies and the wrongs inflicted upon them by the mother country, he dwells upon the probable conduct of the Continental powers, especially of France and Spain, predicting, with confidence, that one or the other, and perhaps both, would find in the coming conflict the opportunity to take their revenge upon their hereditary foe, Great Britain. With splendid and persuasive eloquence, he appealed to every patriotic and noble passion which could be felt by freemen, enriched his declamation with classic allusion, portrayed the beauties of liberty, with her train of blessings, law, science and glory. His conclusion contains such sentences as these—which are almost identical with those which Mr. Wirt introduced into the alleged Patrick Henry speech:

"Why, then, do we delay longer? Why still deliberate? Let this happy day give birth to an American republic! Let us arise, not to devastate and conquer, but to reëstablish the reign of peace and of law. The eyes of Europe are fixed upon us; she demands of us a living example of freedom, that may exhibit a contrast, in the felicity of the citizen, to the ever-increasing tyranny which desolates her polluted shores. She invites us to prepare an asylum, where the unhappy may find solace and the persecuted repose. She entreats us to cultivate a propitious soil, where that generous plant, which first sprung and grew in England, but is now withered by the poisonous blasts of Scottish tyranny, may revive and flourish, sheltering under its salubrious shade, all the unfortunate of the human race. If we are not this day wanting in our duty to our country, the names of the American legislators of '76 will be placed by posterity at the side of those of Theseus, of Lycurgus, of Romulus, of Numa, of the three Williams of Nassau, and of all those whose memory has been, and forever will be, dear to virtuous men and good citizens."

On the evening of the 10th of June, Mr. Lee received intelligence from Virginia that his wife was dangerously ill at their home. He immediately left Philadelphia, and it was on account of this providential call home that he instead of Jefferson did not draw up the Declaration of Independence.

Patrick Henry's Debut.

In the year 1765 Great Britain was feeling strong and proud. In every quarter of the globe her arms had triumphed. France and Spain had been humbled, immense territory had been conquered, she was undisputed mistress of the seas, the Indian outbreak had been put down, Pontiac had smoked his great pipe of peace and gone to his hut in the woods, never to lead war band again. Now was the time to have certain issues settled with the colonies. They had not pleased the mother country, had not come up with quotas of money assessed against them, had not shown the most dutiful spirit, had, in fact, given offense to many insolent English officials, from whose point of view a colonial was an inferior who had few rights they were bound to respect. In this spirit was conceived the Stamp Act—a measure which had no precedent, and which was in plain violation of what the colonies understood to be the law. * * *

Mr. Jefferson was still pursuing his law studies at Williamsburg when the Virginia House of Burgesses assembled for the spring session of 1765.

Day after day the members came and went, but while the Stamp Act was in the thoughts of all, nobody spoke out against it. Washington was there, but he made no sign. The Randolphs, Pendleton, Wythe, Bland, they were there, but they sounded no bugle-note of revolt.

Three days more and the session would end—and Virginia would not have been heard on the issue which made hearts palpitate and pulses leap from Georgia to the remotest North.

A gaunt, coarsely dressed countryman handed up a series of resolutions challenging the right of the British Parliament to tax the colonies at all.

Here was revolution!

It was one thing for James Otis and Samuel Adams to remonstrate against a measure which Great Britain had merely threatened; one thing for the Virginian Burgesses in 1764 to remonstrate against; anticipated legislation; it was altogether a different thing to rebel against the measure after it had been passed, to defy the law after it had received the royal sanction.

What American could ever forget that historic scene?

There are the resolutions written on the blank leaf of an old law-book. They create a sensation which grows into a storm of excitement as the resolutions travel to committee and back again.

The clownish looking demagogue from the interior is scowled at, abused, threatened. He does not swerve an inch. When debate is in order, he is ready; and out of the murk of obscurity into the full light of history, into the lasting remembrance of patriotism and heroism for all time to come, Patrick Henry steps. Awkward at first, as he always was, faltering in the beginning as he ever did, he feels his way to the road and finds it. Then he no longer falters, then his manner is embarrassed no more. He has struck the road, his eyes see down it far ahead, and all the way is clear; the orator feels his power, glories in it as the war-horse does in the battle. None but the born orator knows what the feeling is, can realize the ecstasy of it, the self-forgetfulness of it. Lifted by his own growing enthusiasm, inspired by the same mysterious force which inspires others, he rises, rises, as in a chariot of fire.

The deep-set gray eyes under the shaggy eyebrows gleam and flash; the stooped, ungainly figure towers straight, imperial in strength and grace; the voice full, rounded, powerful, perfect in every note, high or low; the words simple, pure, massive English—

the best language on earth for human thought or passion—the golden key of all true orators who would unlock the Holy of Holies of the Anglo-Saxon heart. He was not the first man to give speech to the growing independence of thought in the American colonies. Nor did he ever claim to be; though it would be difficult to find any utterance, made North or South, in the court-room or out of it, which went further in its assertion of colonial right to make its own laws than did his argument in the Parsons cause in 1763.

But while there had been much unofficial talk about colonial rights and against British encroachments, no responsible person acting officially had set up the standard of revolt. It was in this sense that Patrick Henry was the first of all American rebels and patriots. It was in this sense that Virginia's legislative action was the first gun of the Revolutionary War.

And with Henry there was no drawing back. His was not the nature to flare up into a hot speech, which he would proceed to qualify and refrigerate the moment his passion had passed—as James Otis did. Whatever Patrick Henry said in the tempest of his oratory, he meant, and he maintained. Neither in public nor in private would he take it back.

"Cæsar had his Brutus, Charles I. his Cromwell, and George III.—"

"Treason!" shouts Mr. Speaker Robinson, starting up from his chair, official vengeance in his eye.

"Treason! Treason!" shout the loyal Randolphs and all the Tory squires, outraged and indignant at the war-cry of the backwoods demagogue.

It *was* treason, for it practically threatened the king's life, and a rebellion against a law! And to be guilty of treason was to incur swift penalty of death —death in most horrible form. How cravenly an

ordinary man would have cowered under Mr. Speaker's eye, would have trembled at the furious onslaught of the all-powerful Tory landlords!

Losing neither his head nor his heart, neither his courage of conviction nor his prudence of conduct, this "forest-born Demosthenes" held every friend of freedom to his place, and every Tory squire at bay, by the dauntless firmness with which he answered the challenge: "And George III. may profit by their example!"

Challenged by royalists in a similar manner, while declaiming to the House of Representatives in Boston, James Otis struck his flag. The cry of "Treason! Treason!" unnerved him. He consented to erase the words of defiant patriotism, and they *were* erased.

From Henry we shall never hear a word of doubt or retraction. Every time we hear his voice it will ring out clear, loud, a trumpet-call to battle—the "Forward, march!" of the Revolution.

When that epoch-making speech is done, Virginia has spoken, and the ball of revolution has begun to roll. Vain is the expunging of one of these resolutions when the debate is over and the champion gone. The winged words are flying to the uttermost parts of the land, "and God himself cannot destroy the spoken word."

In New York a written copy of the resolutions will be handed around on the sly; they are treasonable, and treason is death.

An Irish gentleman of Connecticut will have much difficulty in getting a copy; but he gets it, and carries it to New England, where it is published far and wide.

On July 8 the *Boston Gazette* will declare:

"The people of Virginia have spoken very sensi-

bly, and the frozen politicians of a more Northern government say they have spoken treason."

Royal Governor Bernard wrote home to England, the date of his letter being Aug. 15, 1765: "Two or three months ago I thought that the people would submit to the Stamp Act.

"Murmurs were indeed continually heard; but they seemed to be such as would die away. But the publishing of the Virginia resolves proved an alarm-bell to the disaffected."

And General Gage, writing from New York in September, 1765, notifies Secretary Conway, of the British Cabinet, that the Virginia resolutions had given "the signal for a general outcry over the continent."

Edmund Burke, speaking in Parliament, voiced precisely the same opinion.

Brilliant Dabney Carr.

When the Virginia Assembly met in the spring of 1773, the Gaspee incident, the commission of inquiry which had been created, and the act of Parliament which threatened the entire citizenship of America with loss of trial by jury in the American courts, had rearoused the spirit of resistance to Great Britain. The younger members of the House, Patrick Henry, the two Lees, Dabney Carr, Thomas Jefferson, and one or two others, broke away from the more conservative counsels of the older leaders, held private meeting apart, and mapped out an aggressive policy. Richard Henry Lee proposed the creation of a committee of correspondence, and Jefferson reduced the plan to writing. Dabney Carr was made their spokesman to the House, and on March 12, 1773, in a speech of eloquence and power,

the young tribune moved the famous resolutions which caused Governor Dunmore to dissolve the House. These resolutions citing what had taken place in Rhode Island and in Parliament, proposed a Standing Committee of Correspondence and Inquiry to obtain information of all proceedings of Parliament in regard to the colonies, to keep up and maintain a correspondence and communication with the other colonies, and to report from time to time to the House. This committee consisted of the Speaker, Peyton Randolph, Robert C. N. Nicholas, Richard Henry Lee, Edmund Pendelton, Patrick Henry, Dabney Carr, Archibald Cary, and Thomas Jefferson.

The dispute as to whether Massachusetts or Virginia should have the credit of organizing the revolutionary movement may be left where Bancroft put it:

"Virginia laid the foundation of our Union. Massachusetts organized a province. Virginia promoted a confederacy."

Brilliant Dabney Carr! We see him here at his best, at his highest. We see him unfurl the flag of Union, see him on a pinnacle of patriotism from which he surveys every colony, planning for all, hoping for all, inspiring and uniting all. The warm impulse of brotherhood opens his arms to the North as well as to the South; his rapt vision takes in the future as well as the present and the past. "The cause of one, the cause of all," is the gist of his speech and the pith of his plan; and while Rhode Island has touched the chord, the music is that of union—union of hearts and of hands. His last speech and his best. His one great appearance in a national rôle; his almost unconscious placing of the corner-stone of the Republic! We see him here with the radiance of inspiration upon his handsome face, the clarion call of heroic patriotism on his lips;

we shall see him no more at all. It was only yesterday, as it were, that Jefferson saw him in his "very small house, with a table, half a dozen chairs, one or two servants," yet the happiest man in the universe. For Martha Jefferson, his devoted young wife, was by his side, and on his knee his little boy. "He speaks, he thinks, he dreams of nothing but this young son. Every incident in life he so takes as to render it a source of pleasure." Independent of riches; contented in his poverty; happy in his wife and child; studious, but no recluse; ambitious, but in no feverish haste to rise; patriotic and earnest, but not morbidly intense; here he was, in 1770, a philospher whose healthy enjoyment of life amid comparative privations excited generous admiration in all who knew him. Thirty-five days after he laid the corner-stone of what was to be the greatest of all republics, death darkened that small house where he had been so unenviously happy, draped the poor wife in the weeds of widowhood, and to the lips of his little children brought the wail of orphanhood. He was only thirty years old—died in the very glory of young manhood, died when his readings and his studies, his hopes and his plans and his dreams seemed just to be leading forward to the harvests of steadied efforts.

A lost leader! Yet it was his to speak the word that lives, to do the work that is imperishable, to set the example which is an inspiration for all the years to come!

So much for Virginia. What were other Southern Colonies doing; to what extent were they keeping step with the grand-march of independence? Not a single one of them was a laggard, nor did one of them prove the dastard. While in Virginia such

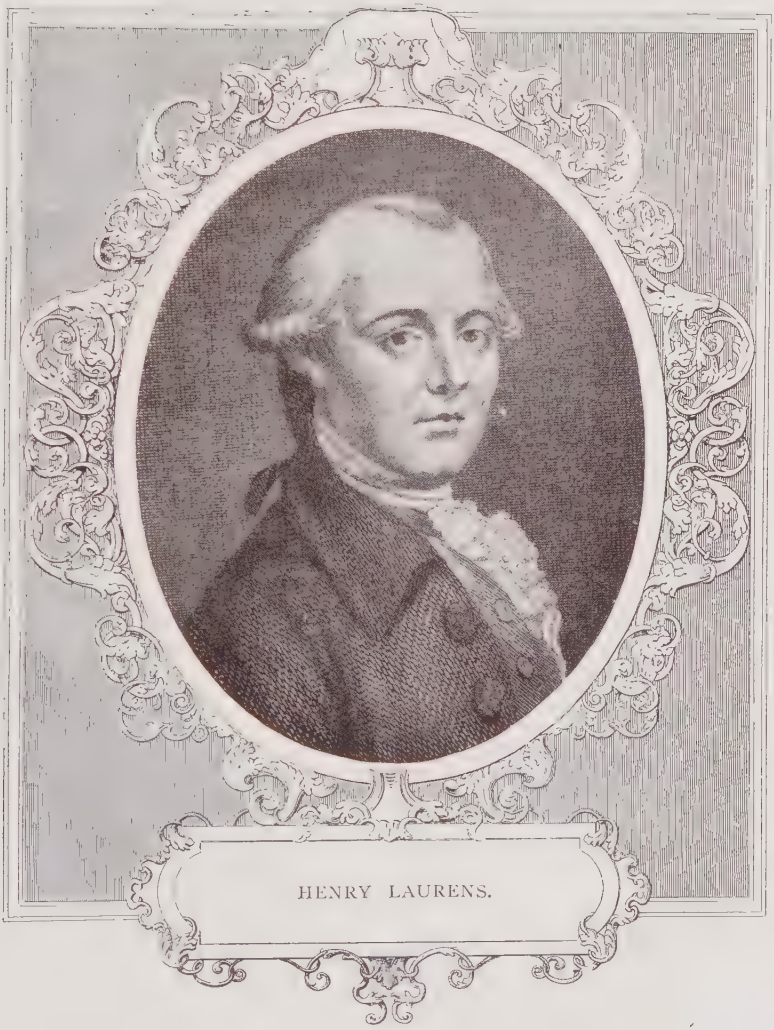
patriots as Richard Henry Lee were seizing the stamped paper by force of arms and coercing the King's officer into taking an oath that he would not discharge his sworn duty, Anthony Stewart, the Maryland merchant, was in hot water because his little vessel, named after his daughter, *Peggy Stewart,* had come across the briny deep with some of the unpopular stamps in her cargo. Riotous demonstration being made, Charles Carroll of Carrollton hinted to the owner of the vessel that the best evidence he could give of his patriotic sympathy with his fellow countrymen would be to stick fire to his little ship. This he did, and tradition says that his daughter, Peggy, sat on the veranda of her home and watched the progress of the flames that were burning her namesake. (Northern historians, with their inveterate habit of following one another when they make mistakes, have represented the burning of the *Peggy Stewart* as another *Gaspee* incident.)

Maryland, therefore, was well to the front in the rebellious outbreak which brought on the clash of arms. Her leaders in the agitation were Matthew Tilghman, Thomas Johnson, William Paca, Samuel Chase, Thomas Stone, and the ever-memorable Charles Carroll of Carrollton—perhaps the richest man in the colony, but taking his risk with the noble disinterestedness which recked not of danger of loss of fortune. There was another Charles Carroll who was likewise one of the leaders and choice spirits of Maryland. To distinguish him from his better known kinsman, he is referred to as Charles Carroll, barrister. In the same connection should be mentioned George Plater and Robert Goldsborough.

A very peculiar situation developed itself in South Carolina. That Colony had no quarrel whatever with

King George. Loyalty to Church and Crown was universal and strong; consequently, the revolutionary movement in South Carolina was literally what would now be called "a sympathetic strike." With generous enthusiasm, South Carolina made the quarrel of Massachusetts her own; the grievances of Boston were taken into the hearts and minds of South Carolinians as though Charleston herself had been bottled up. One of the consequences of this was that the city, in which the agitators could more readily find audiences and play upon the patriotic passions and sympathies of the people, became rebellious when the country had no knowledge of what all the fuss was about. The anomaly was presented of city people ready to fight for freedom, and country people rising in arms for King George. This actually happened, and the South Carolina orators had their most difficult task in quieting the rural royalists, and converting them into patriotic insurgents. That South Carolina *did* keep step with the sister colonies and did do her share of the fighting which established our independence was due to the eloquent and constant efforts of such men as William Henry Drayton, Christopher Gadsden, Edward Rutledge, Henry Laurens, John Laurens, Charles Pinckney, Arthur Middleton, Charles Cotesworth Pinckney, and, at the eleventh hour, John Rutledge.

The historian of South Carolina, Dr. David Ramsay, gives a graphic account of the controlling power of John Rutledge's eloquence at the time when the question under debate was the giving of plenary powers to the delegates who were to represent the colony in the General Congress. It was objected that these delegates might misuse unlimited powers, and "in that case," Rutledge was asked, "what will we do to our delegates when they come home?" The great orator was equal to the crisis, and his prompt



HENRY LAURENS.

answer "Hang them!" carried the day for plenary powers. It was to the intrepidity of this eloquent leader that the first decisive victory which was gained against Britain's forces during the Revolutionary War was due. After General Charles Lee had declared that the miserable old log-pen, known to history as Fort Moultrie, was a mere death trap and would be knocked to pieces in half an hour by the British guns, the commandant of the log-pen, General Moultrie, appealed to Rutledge, who was acting as governor of the insurrectionary government. Rutledge's reply was worthy of the heroic age of Greece and Rome. In substance, he wrote to Moultrie, "Hold the fort until I order you to surrender it, and I will have my hand chopped off before I will sign any such order."

No account of the formative period in South Carolina would be complete which left unmentioned the name of William Tennent. It was he who led the attack upon the established Church of England, and waged the war for religious liberty. Pleading at that early day for those principles which now are universally accepted, he appealed to the leaders who were about to establish the new and independent colonial government to make religious toleration the foundation stone of their constitution. He urged them to declare in the letter of the law that there should be no establishment of one religious denomination of Christians in preference to another; that none should be required to pay for the support of a worship in which they did not freely join. "Yield to the mighty friends of American freedom and glory, and let your state be inferior to none in the wide continent for the liberality of the laws and for the happiness of its people."

The example of South Carolina had immense influence over her neighbor, Georgia, the youngest and

the weakest of the original thirteen colonies. In fact, at that time Savannah and Augusta constituted the strength of it. Very much the greater part of the land within its boundaries was in the possession of the most valiant and the most intelligent of the Indian tribes. Inasmuch as Britain was inciting the Indians to make war upon the colonies, the risk which Georgia took in espousing the cause of independence was peculiarly great. Nevertheless, under the leadership of such able and eloquent men as James Jackson, Joseph Habersham, Thomas Glascock, Button Gwinnett, Lyman Hall, Archibald Bullock, Noble Jones and George Walton the little colony quickly became too hot for the royal governor, and he fled in the night time. Liberal contributions poured from Georgia to relieve the distress of Boston: the very powder which the patriots burned in defending Bunker's Hill was shipped from Savannah by the Georgia patriots.

In the preceding chapter, so much has already been said about the beginning of the revolutionary movement in North Carolina, that little more need be added here. The example of Ashe, Waddell, Husbands and Pugh was so recent, and their gallant resistance to royal perogative and the tyrannical administration had made such a lasting impression, that it excites no surprise in us when we learn that the cause which had been shot down at Alamance rose from the grave with redoubled vigor when the news of the Stamp Act spread among those independent, high-spirited people.

As in South Carolina, there were rural communities that were intensely loyal to the King. The Highlanders of the backwoods settlements rose in arms against the patriots. Meeting force with force, the patriots suppressed the insurrection of the Highlanders, and then organized a separate government.

They adopted resolutions declaring their independence of Great Britain, and, as Bancroft states, "the people of North Carolina were the first in America to vote an explicit sanction to independence."

One of the glory trails in American history is the ride of the mountaineers in chase of Ferguson, the British marauder, and one of the most daring and fearless of Cornwallis' lieutenants. It is an incident that deserves commemoration that these men rode to battle under the patriotic excitement fanned within them by the grand old pioneer preacher and educator, Samuel Doak. At Sycamore Shoals he preached to the volunteers whose unselfish initiative resulted in winning the battle of King's Mountain, the turning point of the Revolutionary War, from the text "The sword of the Lord and of Gideon." It was this eloquent preacher who established the first institution of learning west of the Alleghany mountains.

The following names belong to the roll of honor of North Carolina—the men who helped form opinion in that colony and to lead the Revolutionary movement: Cornelius Harnett, Thomas Polk, John Davidson, John McKnitt Alexander, Captain James Jack, George Graham and W. R. Davie.

(Of course, it is assumed that the reader will understand that during the formative and revolutionary period, Kentucky was a portion of Virginia; Tennessee of North Carolina; Mississippi and Alabama of Georgia, and that Missouri was a wilderness, and Florida, Louisiana and Texas foreign possessions.)

THOS. E. WATSON,
Author of the Life of Thomas Jefferson, etc.

CHAPTER III.

THE HISTORY OF SOUTHERN ORATORY DURING THE FEDERAL PERIOD, 1788-1861.

N the morning of his "Reply to Hayne," Webster asked Senator Bell of New Hampshire whether he should speak out fully his constitutional opinion, or restrain himself, and follow more closely the normal lines of argument connected with Foot's Resolutions. Senator Bell replied: "It is a critical moment; and it is time, it is high time, that the people of the country should know what the constitution is." "Then" replied Webster, "by the blessing of Heaven they shall learn this day, before the sun goes down, what I understand it to be."

This was on Jan. 26, 1830, and on that day the greatest oratorical representative of the Union spoke his full mind on what he thought the constitution to be. This oration stands at the centre of the period of the efforts of the states to realize their acquirement of nationality, to realize the conception of federation, and it is the dramatic climax of the greatest era of the spoken word in all constitutional history.

Throughout this Federal Period (1788-1861) the constitution is the battle ground, whether, as in the early stages on theoretical and intellectual points such as the nature of treaties; or as at the end of the period, on the practical and sectional points of the slave discussion. As a whole, it is the period in which the political orator predominates to the exclusion of all others. But the greatness of the

political issues involved makes it the period of exceptionally great oratory, for in truth they were the greatest issues that could absorb a statesman—issues concerned with the most momentous of human experiments in government: new issues, inspiring originality; vital issues, inspiring caution; sectional issues, inspiring patriotism.

The scope of the period that attempted to settle these matters is too great to be considered as a whole, nor does the Hayne-Webster debate—called "The Great Debate"—give a logical division. Briefer and more logical divisions offer themselves when the whole body of public speaking from the standpoint of subject matter is reviewed: the period of self-consciousness, up to 1815; the period of self-confidence, up to 1845, the period of active aggressiveness, up to the attempted separation. These divisions are only approximate, however, and in reviewing the scattered material of the various participants are impossible to maintain.

A division at once helpful and logical may be found at 1820. The active oratorical careers of the largest figures in the forty years of contest begin here. It is here that slavery, as an issue, presented itself as an issue, at least to Jefferson's vision, and "falls like a fire bell in the night," "the geographical line asserting itself and coinciding with a marked principle, moral and political."

The general temper of the period from 1788 to 1820 is comparatively calm, the placid recovery of the young Republic from its great war struggle. Great questions, it is true, presented themselves, but they were general questions. They were unassimilated, and they had no cause to be acrimoniously acute. Furthermore, the Revolution had completely sacrificed education in all its forms, and the questions that were to widen into full consideration of

the relation of the government and the sections that had fought side by side to establish it, had not got sufficient perspective. The main thing was to get the machinery to run at all. Oratory thus lacked both the equipment and the occasion. The War of 1812 introduced significant questions and brought strong flashes of national fire, but they were but the preliminary skirmishes to the real battles that the succeeding decade brought in good earnest. From 1788 to 1820 as a whole was a transitional period in oratory, and the nature of the oratory, its quality and its temper, were transitional.

The figure that bridges the gap between the Revolutionary orators and the great Federal group is John Randolph of Virginia, called "Randolph of Roanoke." On the one side he touches Patrick Henry, by replying to whom he won his seat in Congress; and on the other he touches Henry Clay, who proved too strong an antagonist for him because of a sounder, clearer vision of the Union to come. Randolph completely dominates the oratorical arena up to Clay, but he fails by comparison, because he is deficient in constructiveness at a time that demanded construction. He gave thirty years to congressional life, but he left behind no permanent policy, but only a collection of speeches that although they verify a reputation for brilliancy, reveal a brilliancy that is dissipated, bitter and intolerant.

In the style of his eloquence he carries over from the previous period what would now be called grandiloquence. He is usually clear, however, and although discursive to a remarkable degree is invariably original and suggestive. He took pleasure in the boast that he never wrote his speeches, and implies that their lack of form was a matter of preference.

His speech in answer to Clay on "Internal Im-

JOHN RANDOLPH,
of Roanoke.

provements," concluding with the remarkable prophecy of the logical end of Federative primacy, is perhaps Randolph's masterpiece. The insight that he reveals there never took the form, however, of a statesmanlike policy. More typical of his style, his power to quote, to deride, to summarize in scathing phrase, with a branding iron of hot words, is his speech on "Executive Patronage," in which he characterizes his opponents Adams and Clay: "I was defeated,—horse, foot, and dragoons,—cut up, and clean broke down—by the coalition of Bilfil and Black George—by the combination unheard of till then of the Puritan with the black-leg."

In this transition of Randolph may be considered also the two great Marylanders, William Pinkney (1764-1822), and William Wirt (1772-1834). Pinkney's best speech was on the Missouri question, but he died two years after it, and took no part in the crux of the momentous struggle. His Latinised diction, the classical "lustration"—as he might have called it—of his argument, and a tendency to abuse rhetorical elaboration logically put him with the orators of the preceding period; but the close cogency of his reasoning, his clarity and weight would have put him in the front rank of the succeeding Southern leaders had his active life fallen ten years later than it did. His contemporaries regarded him as the most eloquent man of his day, and one competent critic pronounced his Missouri speech to be the greatest ever delivered in the Senate.

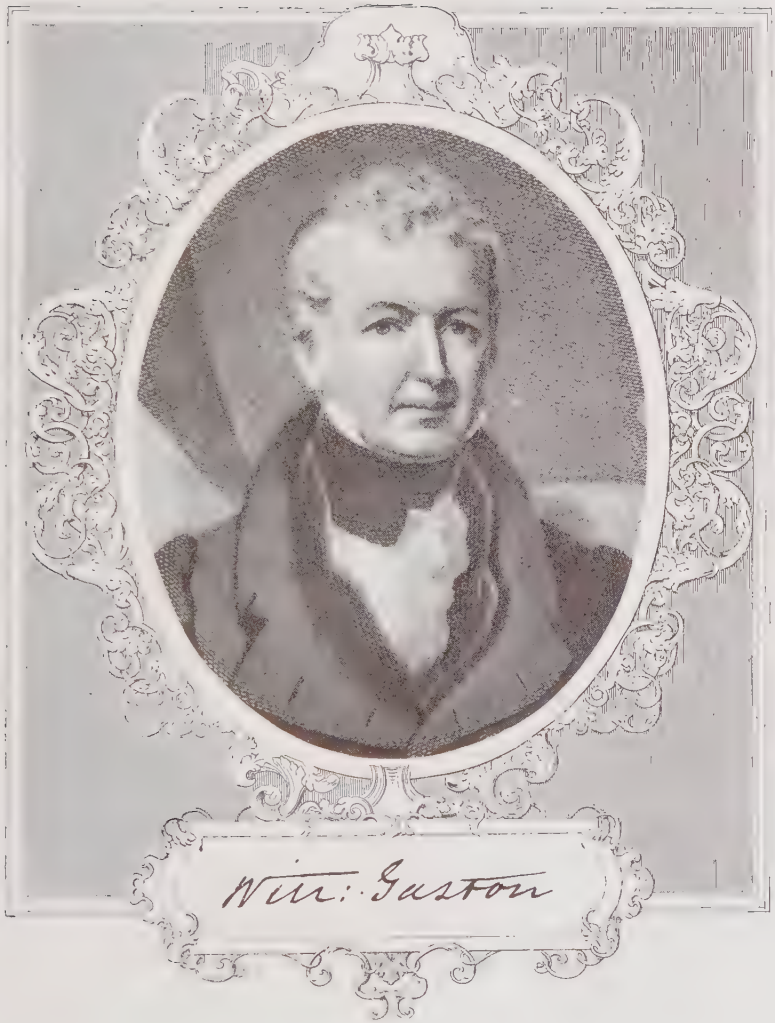
Wirt's oratory was similar to Pinkney's in many important respects. He had no national legislative service, but he was attorney-general from 1817-1829 and was a candidate for President in 1832. His speech against Aaron Burr (1807) gave him national fame. Its descriptive parts, though pleasingly vivid, illustrate his early habits of floridity and striving

for effect; while its more strictly argumentative parts show the power of compact reasoning that established him as one of the greatest of legal orators.

Further illustrative of the legal temper of the period and grouped with Pinkney and Wirt territorially as well as in style and in matter, are John Marshall of Virginia, Robert Goodloe Harper of Virginia and Maryland, and James Barbour of Virginia. Judge Marshall's most important speeches were those on the Federal Constitution in the Virginia Convention in June, 1788, and in the Robbins Case in Congress, March, 1800. His style was solid, direct and convincing. The oratorical claims of Harper are more serious. He served in the House of Representatives from South Carolina and later in the Senate, as the representative from Maryland. This unusual circumstance is accounted for by his general ability—and particularly by his unusual influence as a speaker. His greatest speech was in defence of Judge Chase in 1805. Barbour also enjoyed an extensive political career. His exposition of the Madisonian view of the constitution is perhaps the best statement of that conception of the nature of the government. "Treaties as Supreme Laws," is his best extant speech, and is fairly typical of the oratory of the period.

William B. Giles, also of Virginia, was a speaker of a type different from those grouped above. His power was in the give and take of debate and it gave him national prominence for forty years. Benton says that he was one of the most conspicuous men in early Congress, and Randolph compares him to Charles Fox, and called him "the most accomplished debater the country has seen."

William Gaston of North Carolina, Langdon Cheves and William Lowndes, both of South Carolina, are of a type consistent with the polished legal


Wm. Gaston

group above. Gaston was leader of the Federal party in the House of Representatives (1813-1817). His best national speech was in opposition to Clay on the loan bill, 1816; but his most eloquent speech was delivered in North Carolina in defense of the state constitution. Cheves, like Gaston, served but a short time as a national figure. Washington Irving said after hearing him speak that his manner gave him a distinct idea of how the Greek and Roman orators must have spoken. He opposed Gaston and Webster in the debate in 1812 for a stronger navy. During the great discussions of 1830-1850 he was living in retirement on his plantation. Benton calls Lowndes the "brightest star of the constellation" of brilliant South Carolinians. His was a mild, persuasive eloquence. He discussed the Missouri question with great power, but without passion and attained a remarkable influence before his early death.

The oratorical activity of all of these Southerners falls chiefly before 1820, or is of a piece with the oratory of that period. From their speeches it would not be possible to tell that they were from the South. Mason and Dixon's line did not run then through the legislative halls; it was but faintly on the political map of the country. After 1820 it becomes more and more distinct, until finally it takes the aspect of a line of blood. The questions of the provisions of the constitution and of the nature of the Union that occupied the earlier period as abstract propositions, now carry the pendant questions of its dissolution and death. The progressive encroachment of the general government upon the local government produced a collision in the South, where liberty was identified with States' Rights, that was ideal for the development of great oratory. Sectionalism would not to-day be considered a sound basis for

eloquence, and sectionalism is the keynote of Southern oratory from 1820 till the Southern senators bade farewell to the national Senate; but the rights of the section were with these speakers the fundamental principle, and as such they were willing to sacrifice their lives to it. So for forty years previous to the four years of the War of Secession the forensic battle was waged in an effort to determine "what this constitution is." The roll of the orators engaged on both sides contains the names of the nation's greatest speakers, and of these great names by far the larger number were enlisted in the cause that was beaten by the logic of events rather than by the logic of oratory.

To mention American eloquence is instantly to have thrust upon the mind the names of Henry Clay, John C. Calhoun, Thomas H. Benton, and Robert Y. Hayne. That the lives of the three greatest of these representatives of the Southern side of the national idea should coincide almost exactly with the Federal Period is not wholly a matter of chance. Clay was born in 1772 and died in 1852; Calhoun was born in 1782 and died in 1850; Benton was born in the same year that Calhoun was, and died eight years later. So Webster, who devoted the best part of his life to the utterance of the reverse view, was born in the year of Calhoun's birth and died in the year of Clay's death. They were all born with the birth of the republic and died when the irrepressible conflict between equal ideas gave way to the physical struggle which resulted in what Lincoln called "the new birth" of that republic.

For the forty years preceding the war then, it was the oratorical good fortune of this group to be concerned with one topic only. That the South was so long absorbed with one topic has often been deplored by historians; but from the standpoint of oratory

Thomas H. Benton

it is not to be deplored. It made great oratory as is explained by Webster's remark that all of his life was a preparation for his reply to Hayne. Interpretation of the fundamentals of the constitution gave sufficiently broad intellectual basis, and a consecrated sectionalism gave a sound emotional stimulus. That is a summary of Southern oratory in the third and fourth decades. Whether the subject was the tariff, internal improvements, the admission of new states, or more definite aspects of slavery, these bases remained. As the period advanced the discussions broadened and deepened, then became more acute and concentrated, and finally gathering passion as the appeal to arms became more imminent, intellect gave way to emotion.

The discussion of the admission of Missouri at the opening of the period, as summarized by Schurz, is the prototype of all the succeeding discussions. "On the one side it was contended that any restriction as to slavery will nullify state sovereignty and break the Federal compact, that negro slavery is the best for the negro as well as for the white, that it is necessary for the economic prosperity of the South; on the other, that slavery is not recognized by the constitution, that the power to exclude has always been recognized, that slavery is a moral wrong to both races, that it paralizes economic progress." These were the lines along which the great discussions ran,—with dignity and power where they concerned the Federal compact, with bickering and bitterness and passion, as they concerned the property rights of slavery. It is a fact, however, well worthy of insistence in view of many inaccurate statements to the contrary, that Southern oratory throughout the period, in consistent development from the oratory of Pinkney and Cheves, has restraint in con-

tent, and chastity in form, and intellectualism as its main characteristics.

The most national of this group of Southern orators was Henry Clay* of Kentucky. Clay's vision of the Union was not as vivid and as dominant as Webster's, but his whole oratorical effort, like Webster's, was a long plea for peace, and the patient application of the balm of mutual concession. His great work is felt to be in this field of concession and compromise, and his reputation as an orator has suffered because of this emphasis. Although Clay's orations are not impressive reading to-day, Clay was a great orator in that he spoke constructively and effectively on noble themes and with a profound emotional appeal. His famous speech of 1813 that made his fellow statesmen weep makes dull and unmoving reading to-day. He always deferred to Webster in matters of constitutional interpretation, but when he chose, by the power of his eloquence, he led.

The form of Clay's discourses is almost always defective, they fall far short of the telling effect they produced when spoken, but from their content they compel the comment that this patriot statesman was the most modern of the great group that surrounds him. If his conception of the Union was too fair to all of its parts to possess the fervor of Webster's, it was none the less national; his attitude on internal improvements and his "American system" for the development of American industry were thoroughly modern. His arguments against dissolution were founded upon solid practical objections rather than on constitutional theory, and so appear comparatively superficial. Judged by the

*Henry Clay was Speaker of the House, and took no part in the debate and expressed no opinion on the bill, which was introduced into the Senate by Mr. Thomas of Illinois. Mr. Clay expressly and repeatedly disclaimed responsibility for the Missouri Compromise. The statement that he was the champion of this measure is an error found in most Northern histories and is contrary to the facts.—T. E. W.

effect of his words Clay for continuous power is in the first rank of the world's orators. For forty years his wonderful voice was eagerly heard throughout America: by 1812 he was so far developed that it was his eloquence that "fired the national heart," and in 1850 he still had the vigor forcefully to recount "Sixty Years of Sectionalism" and plead for the preservation of the Union.

Clay is one of the obvious examples of those called "natural orators." This means that he had those fine gifts of nature, a good presence, a voice of charm, a sense of melody, and a character that gave dignity, impressiveness and earnestness as well as a touch of fire. He had that other natural quality—the quintessence that is in oratory, as well as in poetry, the heart of the art's mystery—that after voice and gesture and diction and form have all been described, breathes life into it all: he had the genius of oratory.

Clay was not a student of books nor of oratory, and he was not profound, but he was not wholly a natural orator either. Besides the brilliant imagination that filled his mind with pictures, and besides the other gifts he was born with, he studied oratory after his own fashion. When a young man he read some book of history or science every day and then repeated off-hand what he had read, " * * * in the cornfield or in the forest, in the distant barn with the horse and the ox for auditors." Here is an explanation of the boundless affluence of his diction that goes beyond nature, and makes easier to understand the tropical splendor of his oration on the freedom of the South American republics.

Natural gifts, however, were Clay's main reliance, and his unusual natural endowment led him to neglect, to the cost of his permanent reputation, persistent study and analysis. For these main defects

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he supplied a rich warmth and picturesqueness, a skill and plausibility on slighter subjects, an exalted passion on nobler themes that made him the most effective debater and the preëminent orator of his day. He had more power in emotional appeal than any man of his period and is not excelled by any speaker in the history of American oratory.

Contemporary with Clay's long public career and challenging its oratorical preëminence is the career of John C. Calhoun, of South Carolina. Calhoun came into prominence as a young man of twenty-nine by a bold and brilliant attack on Clay's early opponent, John Randolph. The style and temper of this is fairly typical not only of Calhoun's oratory, but of debating manner of the whole period. It is in its middle temper. He is replying to John Randolph's famous speech on the War of 1812:

"The gentleman from Virginia is at a loss to account for what he calls our hatred to England. He asks how can we hate the country of Locke, of Newton, Hampden and Chatham, a country having the same language with ourselves and descending from a common ancestry. Sir, the laws of human affection are steady and uniform. If we have so much to attach us to that country, potent indeed must be the cause which overpowered it. * * * But the gentleman, in his eager admiration of that country, has not been sufficiently guarded in his argument. Has he reflected on the cause of that admiration? Has he examined the reasons of our high regard for her Chatham? It is his ardent patriotism, the heroic courage of his mind, that could not brook the least insult or injury offered to his country, but thought that her interest and honor ought to be vindicated at every hazard and expense. I hope when we are called upon to honor we shall also be asked to imitate. I hope the gentleman does not wish a monopoly of those great virtues for England."

Calhoun's oratorical style underwent no marked change from this youthful effort. Bombast and exuberant excess are no part of his youth; his masterpiece on the Force Bill is not different in kind from this appeal of Dec. 12, 1811; it is only more profoundly analytical, more concentrated, more severe. But Calhoun was in striking contrast not only

to Randolph from the earlier school, but also to Clay. He was the son of a governmental theorist, and a product of the schools (Yale and the Litchfield Law School). Intellect was the predominant element in him, and Calhoun's preëminence is due to the fact that as an intellectual statesman he had no competitor in his period, nor does one appear when the whole history of the country is put under review. Clay was unrivalled in feeling. Calhoun in thinking; Clay was the best loved, Calhoun the most admired. Calhoun was a not less ardent patriot than Clay, but the nature of his service was an ardent intellectualism, if one may so designate the intensity of his service. It is because of his intellectualism that "cold" is the conventional word of criticism applied to Calhoun. But Calhoun, for all of his analysis is not cold. Webster spoke of his exalted patriotism. The most impressive thing about Calhoun is his genius for unremitting patriotism. He asked that the inscription on his tomb should summarize his life, and that it should be the one word, "Nullification." It was, too, a summary of his speeches.

No clearer statement of the differences as they outlined themselves in the debates that followed can be made than by recounting the sensational incident of the Jefferson birthday banquet, April 13, 1830. Jackson proposed "Our Federal Union: it must be preserved." But Calhoun answered: "The Union: next to our liberty the most dear; may we all remember it can only be preserved by respecting the rights of the States and distributing the benefit and burden of the Union."

Around Calhoun's analysis of the government the oratory of the Federal Period raged. He was firmly planted in the centre of the Southern side. And just as Webster said that his whole life was a prep-

aration for his reply to Hayne, so Calhoun might have said that his whole life was a steady evolution of those doctrines most completely enunciated in his speech on the Force Bill, 1833. His earliest speeches when viewed superficially appear to contradict this statement, but his advocacy of maintaining the honor of the Union in 1812 is in no essential sense at variance with his advocacy of maintaining what he conceived to be the honor of the states in the succeeding decades.

Calhoun's most complete summary in oratory is his speech on the Force Bill, Feb. 15 and 16, 1833. It reveals his method, his manner and the subjects to the consideration of which he gave his life. He had none of the miscellaneous brilliancy of the epigramatic Randolph, nor the compelling, democratic fervor of "the Mill Boy of the Slashes," Clay. Preparation was the necessity of the structure he was to erect. His "Exposition of States' Rights" which appeared in 1829 as an abstruse thesis was a part of the preliminary preparation of the Force Bill utterance. It was of such stuff that the fabric of Calhoun's eloquence was made. The result was not pleasing oratory to listen to for two days; Benton (his enemy), declared it "intolerable."

The Force Bill provided the President with power to coerce South Carolina or any other state resisting the Federal tariff duties. Calhoun opposed this along the lines that Hayne used in his debate with Webster, but with much greater power. The first two of his resolutions lay down his battle lines and from the standpoint of forensic history necessitate full quotation.

"(1) That the political compact under which we live, and under which Congress is now assembled, is a compact to which the people of the several States, as separate and sovereign communities, are the parties.

"(2) That these sovereign parties have the right to judge of any alleged violation of the Constitution by Congress, and in each case of such violation to choose, each for itself, its own mode and manner of redress."

The reply of Webster which opened with these two propositions and centered in "compact," was as an answer to Calhoun a failure, and revealed Calhoun's strength. In history and in theory, Calhoun found sound premises, and with clarity, incisiveness and unwearied patience he built an impregnable structure, against which Webster's superb eloquence flung itself in vain. Calhoun's effort, deficient in passion and in general delivery did not make any impression upon the auditors comparable to Webster's reply; but as a debate it outranks it. Webster allowed Calhoun to choose the ground and followed him there—a fatal thing to do—and whatever the ephemeral opinion of the enthralled listeners to the champion of the constitution, the South Carolinian, as subsequent events proved, won a practical victory and greatly enhanced his national reputation and prestige. American oratorical annals contain no more interesting record than these speeches: the contrast of methods, the oratorical strategy, the unique significance of the issue of the contest.

This speech is a summary of Calhoun. Nothing need be said of his further development. His last speech was read for him, as he sat by—a tragic shadow of greatness in defeat, mercifully spared the sight of the final catastrophe.

He has been said to be "one of the few modern orators who actually represent the Attic school of the time of Demosthenes." What appears to some to be chastity of expression and purity of style, is at times so perilously near plainness as to appear dry and hard. Webster gives, beyond doubt, the justest summary of his oratory. "It was," he says,

"a part of his intellectual character. It was plain, strong, terse and concise; sometimes impassioned, still always severe. Rejecting ornament, not often seeking an illustration, his power consisted in the plainness of his propositions, in the closeness of his logic, in the earnestness and energy of his manner."

Calhoun's uncompromising opponent and antitype, Thomas H. Benton, completes the triumvirate of Southern orators that gave to the Senate its most striking eloquence. Benton was born in North Carolina, and completed his scholastic training there with one year at the State University; but he moved West with his family and is a consistent representative in life and oratory of the westernized Southerner. He is both like and unlike Clay, but at all points he is in contrast to Calhoun. A less great thinker and speaker than either, he is a more interesting oratorical study than either, in that he is a picturesque representative of the pioneer days of the great West. He is the buffalo of American statesmanship. Congress will not see his like again. Randolph, Calhoun and Benton, for all of their dissimilarity, are all Southern, and it is only the Southerner transplanted to the West of Kit Carson that could make a Benton.

But it is not for the obvious melodrama of his life and manner that Benton is chiefly interesting. In influence he was a large and commanding figure in a great period. In all of its discussions he was a primary force. Not only so, but he left a permanent impression on the history of the country in his Western policy and by his advocacy of sound money. The explosion of the War of Secession left of the discussions that we have been considering nothing of permanent use except Clay's "American System" of protection. It also left "Old Bullion's" doctrines of currency and his ideas of Western development.

These with opposition to the States' Rights extremists and his steady effort to obstruct Calhoun furnish his chief national subjects.

He did not always oppose Calhoun. One of his most weighty and forceful speeches was on the memorable Foot's Resolution, and with the directness and power characteristic of his best manner he championed South Carolina and her defenders. It was this that led immediately away from the Resolution to the more significant digression of the Hayne-Webster debate. But it was as Calhoun's opponent and Jackson's mouthpiece that he found his logical place.

He was not a systematic thinker and scorned the analytics of the South Carolinian. He cared more for conclusion than for processes, and his self-confidence was such that it was enough for him that Benton believed the conclusion. His most distinguished biographer, Mr. Theodore Roosevelt, calls his political economy "crude," and so no doubt it was; but history bears out his conclusions as often as it does that of any other of his colleagues.

His style of oratory was of a piece with his character and environment. It is almost always picturesque, and it is at times, weighty. As a stump speaker he was roughly forceful, and his campaigns furnish a great body of anecdotes of rude repartee and invective. No record remains of those speeches, but one credible witness says that his manner and methods were unlike those of any other public speaker. "They were so dictatorial and dramatic that the wonder is that they are ever tolerated at all."

His congressional speeches abound in quotation, and illustrate his great faculty of memory. He quoted Necker or the Arabian Nights, Herodotus or the Council of Trent with equal ease and fullness.

He has the fatal fondness for Greek and Roman analogy that trivializes so many of the older speeches. March says that he "discharged all sorts of missles at the head of an enemy like a catapult; * * * one of the Black Hussars of debate. His whole attitude was defiance, and each gesture a provocation. He had read much, he had hoarded much, and all he had read, observed or hoarded he held at a moment's command. As he grew older he became less personal and more apposite, logical, and effective."

Lack of form that mars Clay's speeches ruins most of Benton's. There is an absolute formlessness, an irrelevance, like Randolph's, without Randolph's suggestiveness. "An endless speech," Webster calls one on the land bill; and one runs the length of sixty-two pages in the *Congressional Globe*. He was not a popular speaker as a gibe of Clay's about emptying the galleries shows.

It was Benton's defence of South Carolina and his attack upon the East that was the cause of the fame of Robert Young Hayne in oratorical annals. Webster was absent during Benton's speech and his singling out Hayne over the head of Benton was a great surprise to his colleagues. But South Carolina was the more logical opponent of Massachusetts, and the debate shaped itself to the true logic of the situation and not to the incident of Foot's Resolution. Hayne and Webster were the champions each of constitutional ideas that had become sectional. It is for his part in this debate that Hayne is known. The issues involved have already been sufficiently outlined. Hayne was the disciple of Calhoun and although he differed from Calhoun in certain points, his doctrines may be better seen in the teachings of his master. But he is by no means an unworthy disciple, nor was he an unworthy opponent to the

great Webster on Webster's greatest day. As a speaker, in fact, Hayne was Calhoun's superior. He had the magnetism, which Calhoun had not, and he had a voice of pleasing charm that won him the eager attention of the miscellaneous crowd that filled the Senate chamber. He was not the debater that Calhoun was, however, and he did not succeed in getting Webster on the ground of history and theory. As an oratorical combatant Webster overwhelmed him.

This debate gives Hayne a perhaps exaggerated importance, but at the same time it annihilates his other work. This should not be. Hayne had been in the Senate seven years before the "Great Debate," and he had won a place among the foremost statesmen. One of his best speeches was on the tariff of 1824, and was delivered when he was but little over the constitutional age for entering the Senate. The subject of the tariff occupied the bulk of his thinking and speaking up to his contest with Webster, and it is these speeches that constitute the body of his orations. His inauguration speech as governor of South Carolina preliminary to the nullification proceedings gave an occasion for great speaking which he abundantly realized. His oration profoundly moved his hearers, but it wins our admiration to-day for the reserve and character that temper its emotional patriotism. In fact, Hayne was never extravagant; the grandiloquence that always threatened Benton was foreign to him. He did not lack vehemence, but his feelings were in equilibrium with his intellect and his moral qualities. He was fluent, graceful, and clear, with sympathy that a well modulated voice carried fully into the hearts of his hearers. Benton calls him "a ready and copious orator of brilliant mind quick to discern;" and another authoritative auditor writes: "His oratory was graceful and persuasive. An im-

passioned manner, somewhat vehement at times, but rarely, if ever, extravagant; * * * a distinct, though rapid, enunciation; a confident address; these accompanying and illustrating language well selected and periods well turned made him a popular and effective speaker."

Associated with these leaders of the Southern cause were a number of speakers whose oratorical achievements deserve, from the national recognition they obtained from their contemporaries, a permanent record. John Bell, of Tennessee, was perhaps the most prominent of them. He was a member of Congress for fourteen years from 1827, speaker of the House in 1834, secretary of war under Harrison, member of the Senate in 1847. For twelve years he was the leading Southern exponent of conservatism, and as the Southern champion of the Union in opposition to Calhoun and nullification headed a presidential ticket with Edward Everett of Massachusetts. Up to the war he took a leading part in the discussions in Congress and represents unadorned but vigorous and convincing oratory.

Of a similar type is John M. Berrien who represented Georgia three times in the Senate, and served as attorney-general under Jackson. His speeches were unemotional, thoughtful, with a legal basis, but full of force. His following was national in extent and gave him unremitting admiration.

Contemporary with Bell and Berrien, not equal in dignity and weight but with perhaps more oratorical ability, was Thomas F. Marshall, of Kentucky. No satisfactory record of his speeches remains except the report of his speech on Public Land Sales. His congressional service was short (1841-1843), but he had a reputation for genius in full and fluent language and general brilliance in oratorical attainment.

Small record, too, remains of the really notable oratory of James McDowell, governor of Virginia (1842), and member of the House of Representatives 1847-1851. In this brief congressional career he established a reputation for generous minded statesmanship and genuine eloquence. His best known speech was delivered at Princeton in 1838, and was famous there for many years. It was an appeal for sympathy with the South and its great problem.

Hugh S. Legaré of South Carolina had also a short legislative career, but he also enjoyed a national and to an extent an international reputation. He served as attorney-general in 1841, and succeeded Daniel Webster as secretary of state. Legaré was of the race of cultured speakers, and to intellectual force added the rare accomplishment of grace. His diction is classic in restraint, without the suggestion of plainness that detracts from Calhoun. He was liberal in his views, when liberality was rare, and his speeches from every standpoint are stimulating reading.

More emotional and more commanding in Southern annals is the figure of Howell Cobb, of Georgia. From 1843 to 1851 his oratorical gifts made him a leader among the Southern men in Congress. He was speaker of the Thirty-fourth Congress. He served two years more in Congress, after an interim as governor of his state, and then as secretary of treasury until the war. His speech on the Oregon Boundary (January, 1846) is representative of his best style. It is direct, forceful and full of the intellectual eloquence that marks the leading Southern speakers of the Federal period.

Felix Grundy was one of the greatest speakers of the middle of this great period, though he was greater in promise than in fulfillment. He was a Tennessean of the interesting "stump" school that pro-

duced, Polk, Bell, Johnson, and half a dozen more of scarcely less note. He was regarded as Clay's equal by men whose opinion is worthy of acceptance. Opportunity of comparison was easy, for they engaged each other in no unequal contest for thirty years. Grundy's national career began in 1811 in the House; he was in the Senate in 1824, and again in 1838. He served as attorney-general also for a short time. To him the Federalists ascribed the War of 1812 equally "with Madison and the Devil." His oratorical supremacy in his section rests most securely on his powers as a jury lawyer. In this field he was quite unrivalled. Of a hundred and sixty-five cases he is said to have lost only one. Pleasing in appearance, with a remarkable command of language, an intuitive grasp of the sources of human appeal, and a dramatic delivery he possessed all of the characteristics of successful popular oratory.

William C. Preston was born in Philadelphia, but he was one of the most consistently typical of the Southern group of speakers. He was educated in South Carolina, and studied law in Virginia under William Wirt. He settled in South Carolina in 1822, and instantly won fame, though in competition with great speakers. In 1836 he was elected to the United States Senate. Webster and Clay both praised highly his speech on the French spoliation claims. He retired from active statesmanship in 1842, when he resigned from the Senate to accept the presidency of South Carolina College. As a popular speaker he was without a superior in his section, and although he yielded to the temptation of popular oratory and fell into occasional grandiloquence, he possessed a power of high appeal based upon sound thinking and unusual learning. He, too, was rarely gifted as a legal advocate, his jury speeches for power and tact

being a source of constant wonder to his contemporaries.

George McDuffie, who was born in Georgia, but who spent most of his life in South Carolina, by the force of his oratory played an important part in almost all of the discussions of the period. He was in the House from 1821 to 1834 and succeeded Preston on the latter's resignation from the Senate. He was remarkable for the wide variety of subjects on which he spoke with notable grasp, and for the vehemence of his style. He is said to have taken his initial emphasis by a violent tapping on his desk in the Senate, and by the time he had ended to have "literally torn the lapels from his coat." He left the impression of "chained lightning." His speech at the impeachment of Judge J. H. Peck was regarded as the most brilliant of the trial. He was, on the whole, a speaker of electrifying power, and magnetism, but characterized more by eccentric brilliancy than by enduring worth, either in literary values or constructive content.

S. S. Prentiss is, by his general oratorical accomplishments, more highly rated as an orator than any of these with whom he has been grouped. They were all political speakers, all speakers with a mission; Prentiss was a speaker on any topic, a speaker *per se*. He is the only distinguished representative of the occasional address that the period affords from the South, and he is not wholly Southern. It is a curious fact that, not Southern himself, he is the only orator in the group whose oratory is marked by the copious floridity usually denominated "Southern."

Prentiss was born in Maine and was educated in the North, but he spent his manhood in the far South, first at Natchez and then at New Orleans. His most brilliant speech was delivered before the House of

Representatives in 1837 in a losing fight for his seat. As oratory it is one of the most notable speeches in American eloquence. Webster declared as he left the hall, "Nobody could equal it," and Fillmore, who had no facility in praise, wrote, "It fully equalled if it did not exceed any rhetorical effort to which it has been my good fortune to listen." Most of the many speeches of Prentiss were before juries, at commencements, and anniversary exercises and the like. Little record remains of many of them. He was undoubtedly the best extemporaneous speaker of the period.

The unique prominence of Prentiss as an occasional or general orator sends our thoughts back over the solidarity of the oratorical history we have been reviewing: how absorbed the genius of the section was in a speaking statesmanship; how absorbed that statesmanship was in one consuming topic. The occasion was a worthy and noble one and men were found worthy to meet it. The record is a long one of uninterruptedly high achievement. It was not characterized by grandiloquence or bombast, but by genuine eloquence founded upon great thinking, and inspired by sincere and exalted patriotism.

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CHAPTER IV.

THE HISTORY OF SOUTHERN ORATORY DURING THE WAR PERIOD, 1861-1865.

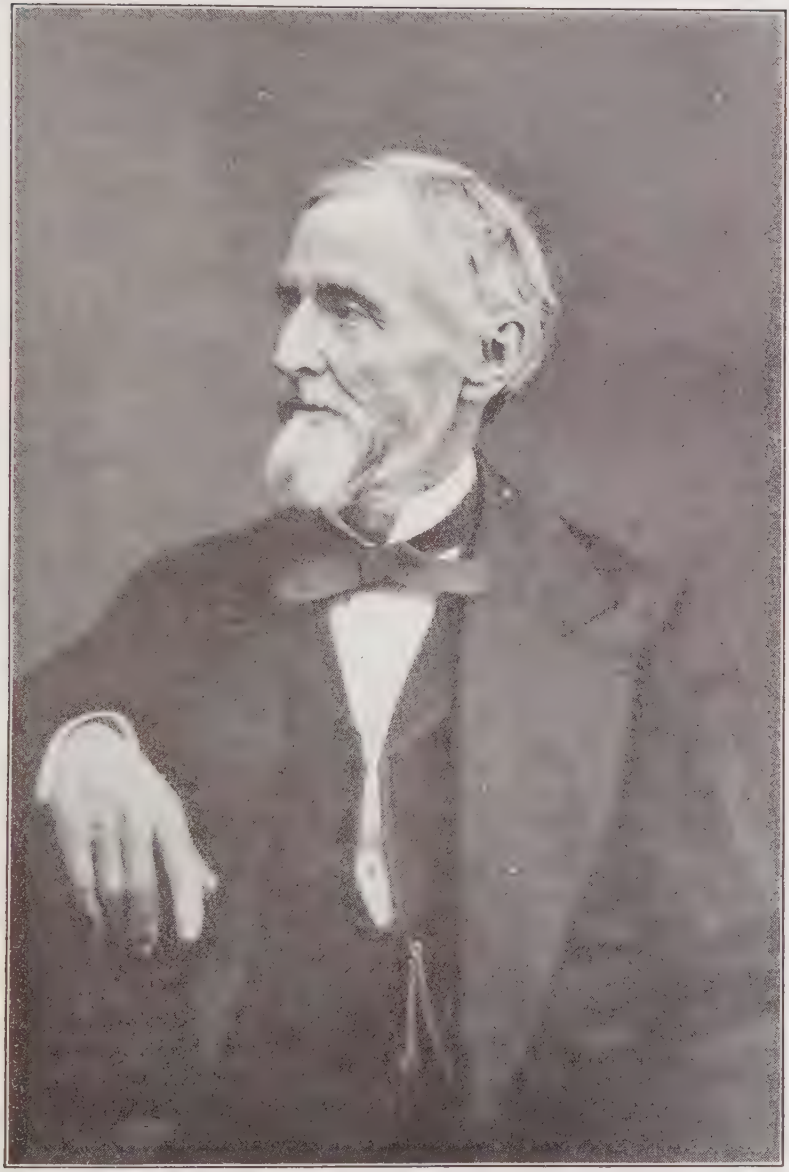
DURING the War of Secession period oratory in the United States showed all of the characteristics of a struggle that had gone from the control of reason. The massive logic that marked the intellectual effort to find out "what this constitution means," gave way to passionate invective; the patient conservatism, that aside from logical reason sought to allay antagonisms in the feeling of the loyalty to the whole, abandoned hope. Webster, Clay and Calhoun had wrought their great constructive work, and, as if in answer to their prayer, so often expressed that they might die rather than see their country torn by civil war, they passed away, all before 1855. Statesmen of the type of Everett and Bell also went into eclipse. The type of Sumner and Phillips, and Toombs and Yancey became dominant. In place of constitutional argument, that however impassioned was rarely lacking in courtesy, we find denunciation without pretense of tolerance. "There is no other side," said Sumner. The mace of the sergeant-at-arms separated angry orators. Boston, the home of transcendentalism, was pervaded by the spirit of the mob.

The South came to the belief that the United States no longer had the will nor the power to protect what it deemed its constitutional rights. This theme and subsidiary ones were those from which the oratory sprang, rather than the manifold broader issues of the previous period. As a result of this

momentous conviction, occurred in the winter of 1861 what will always remain one of the most dramatic incidents in United States history—the withdrawal of the Southern senators from the national Congress. The event has peculiar interest in the history of oratory because some of the withdrawing senators delivered notable valedictories, and because among these withdrawing senators were some of the greatest orators of the period. Jefferson Davis, Judah P. Benjamin, and Robert Toombs spoke with great weight and eloquence; Yulee made an ingenious argument; Slidell and Mallory spoke with confidence of the strength of the South; Clay and Iverson spoke with bitterness of the injustice of the North. The senators from North Carolina, Virginia, Tennessee, Kentucky, and Texas did not yet withdraw, although Wigfall of Texas added fuel to the flames by passionate denunciation of the Union.

Jefferson Davis (1808-1889) deserves foremost consideration here, not merely from the fact that he was President of the Confederacy, and had a long political service, but because he was in certain fine aspects of eloquence one of America's greatest orators. His oratory was not of the type usually denominated "American"; it was more universal. His address of farewell to the Senate is characteristic of his eloquence: in content, diction, proportion, high-seriousness and sustained nobility of tone it ranks with the best that this country has to offer to the world.

Davis's impression as an orator possessed singular unity. His appearance, delivery, and details of style were in the best sense of the word, classical. He impressed every one who ever saw him as "looking the senator." His figure and countenance and carriage commanded attention. What he said was



JEFFERSON DAVIS.

weighty always, though not profound. He was a student and able to produce illustrations to enrich his own thought, but they were never the artificial allusions that often trivialize our political oratory. He spoke deliberately, in a pleasant, well modulated voice, with a convicting appearance of reserve. Pollard, who is no admirer of Davis, says that this magnetic art of conveying passion by appearing to but half speak the orator's own rage, Davis possessed to perfection. "He seldom stormed, he seldom spoke loudly or impetuously, but he often filled the hearts of his hearers with unspeakable passion, and captured their entire sympathy by the evidently enforced moderation of tone which leaves to the power of suggestion much which expression declines to attempt."

One of Davis's chief antagonists in the Senate was Stephen A. Douglas, and a comparison of the discussions of Douglas and Davis, with those of Douglas and Lincoln is an interesting study. In the spirited cut and thrust of colloquy Douglas was apt to get the better of Davis, but in a long debate Davis was easily his superior. In his debates with Douglas, Davis showed more indignation than at any other time, and one of his longest and noblest utterances was his defense against an attack of Douglas when Douglas was deposed from the chairmanship of the committee on territories.

His speeches on the days succeeding his arrival at Richmond in the midst of general ovations are said to have been the most eloquent of his career. No shorthand report exists. One contemporary describes one of his briefer speeches as follows: "He spoke with an even tuneful flow of words; the choicest language appeared to come from his lips without an effort; * * * spare of gesture, in a voice, the lowest notes of which were distinctly audible,

and which anon rose as a sound of a trumpet, was yet sufficient to convey the strongest emotions, and to lift the hearts of his hearers to the level of his grand discourse."

Similar in general style to Davis's farewell address is that of Judah P. Benjamin (1811-1884), often called "the brains of the Confederacy." Benjamin's varied life is in striking contrast to the conventional history of his fellow orators. He was born in the West Indies, the son of English Jews, brought up in North Carolina, and educated at Yale. He mastered the difficult jurisprudence of Louisiana, and after successful law practice served in the United States Senate from 1854 to 1861. He was attorney-general, and then secretary of state in the Confederate Cabinet, had a sensational escape from the country at the close of the war, and a more sensational rise to the head of the bar of England to which he sought admittance at fifty-five.

He was, as may be inferred, an indefatigable worker, and a profound thinker, and in addition he was a brilliant speaker. The crises in which he found himself allowed him no greater theme than to defend the legal claims of slavery; but he acquitted himself with such ability that even his ungenerous opponent, Sumner, declared him to be the most eloquent speaker in the Senate. S. S. Cox praises him less highly; he calls him "bland, plausible, and silver-tongued." "His farewell speech," he adds, "was full of historic references, as well as of musical and regretful cadences." Schoulter says he was the ablest and most versatile of the Confederate Cabinet. He was one of the readiest of debaters, and perhaps the best extemporaneous speaker in the Senate. Instead of oratorical tricks and impassioned gesture, he relied upon a melodious voice that carried perfectly. Perfect enunciation,

too, allowed him great rapidity of utterance. Although he allowed himself no superficial ornamentation, he was in great demand as a speaker on commemorative occasions. The best of these, perhaps, is "Virtue (or 'Education' as sometimes printed), the Cornerstone of Republican Government."

Alexander H. Stephens (1812-1883), a member of the national legislative body from his native state of Georgia from 1843 to 1859, and from 1874 to 1882, and Vice-President of the Confederate States, may be grouped with Davis and Benjamin, both on account of the uncommon weight of his influence and the intellectual type of his leadership. Intellect, in him, clearly predominates over passion. His *Constitutional View of the War Between the States* shows the breadth of his views and the analytical power of his intellect.

He opposed secession, though defending the right to secede; but he went with his state and spoke with great power and point in defense of her. One of the most important of his speeches was that delivered before the Georgia legislature on Nov. 16, 1860, in reply to Robert Toombs who advised immediate withdrawal. It was an argument of remarkable force, and under sharp fire from Toombs, exhibited a coolness and moderation that in part explains his enduring influence. At the conclusion of the speech Toombs justly said, "We have listened to a speech from one of the highest intellects and purest patriots in Georgia."

On March 21 of the following year he made the widely discussed and misrepresented "Cornerstone Speech" before a great and noisy audience of Savannah. In it he declared that the cornerstone of the new government was "the great truth that the negro is not the equal of the white man"; that slav-

ery—subordination to the superior race—is his natural and normal condition.

In view of the part that Stephens took in the secession movement it is a rare tribute that in 1878 he should have been chosen as an orator at the unveiling of Lincoln's picture in the chamber of the House of Representatives. Before one of the largest audiences ever assembled there he delivered an oration that achieved the almost impossible task of winning national applause. The president of Columbia College aptly called it "a beautiful and judicious" oration. In this last stage of his public service Stephens was a unique figure, wheeling himself about in his invalid's chair in the open space before the speaker's desk; but despite physical infirmity he was one of the influential men of the House.

He was a student of oratory and gave himself over to the study of perfection in it. He was not a "stump" speaker in the usual connotation of the phrase, but he was successful before popular assemblies, possessing great insight and inspiring unbounded confidence. As an offset to physical weakness he had a voice of peculiar sweetness and carrying power, spoke only after mature deliberation, and though his manner was one of calmness and repose, he produced an impression of ardor and enthusiasm.

Robert Toombs (1810-1885) of Georgia, congressman from 1845 to 1853 and United States senator 1853 to 1861, called by Stephens, "Georgia's greatest intellect," and in certain respects the Confederacy's most notable orator, belongs in a different category from Davis and Benjamin and Stephens. His farewell speech in contrast to those of Davis and Benjamin, was vehement and full of passion. He was not of the type that understood the spirit of compromise; he was an "out-and-outer" always, and proudly unreconstructed till his death in 1885. He

was a leading dis-unionist advocating strongly secession immediately consequent to Lincoln's election. He made a series of speeches in Georgia to show that the North could not be depended upon to respect the constitutional rights of the South. Stephens advocated waiting to see what Lincoln would do; but Toombs was for immediate action.

His eloquence was consistently in keeping with his opinions. George McDuffe said of him: "I have heard John Randolph of Roanoke, and met Burgess of Rhode Island, but this wild Georgian is a Mirabeau." When he was stirred he gave this impression of wildness. He left none of the impression of reserved statesmanship produced by Davis, Benjamin and Stephens. His power was more elemental: "Genius sat on his brow," says a contemporary, "and his eyes were black as death and bigger than an ox's." He was overwhelming, dogmatic, fiery, fiercely eloquent. After the war, when the other Southern leaders found wisdom to be in the paths of conservatism, Toombs still spoke his mind without reserve. He rarely wrote his speeches, usually speaking without any notes whatever. He prepared carefully, however, the Tremont Temple speech delivered in Boston, January, 1856. This speech showed his courage as well as his oratorical power. It was marked by the calmness of manner, and depth of thought that proclaimed it a supreme effort of the speaker. The *New York Express* (a source of opinion hardly biased toward Toombs) said the address was "an argument of great power." Three cheers were given by an audience that had listened with applause to Garrison, Phillips and Sumner.

This address has been called with propriety "the most lucid defense of slavery in law and practice ever delivered." Inasmuch, therefore, as it was,

in a sense the authoritative position of the South a summary of it may once for all be given:

He did not hesitate to say that Congress had no right to limit, restrain, or impair slavery; but on the contrary was bound to protect it. At the time of the Declaration of Independence slavery was a fact. The constitution recognized slavery. Every clause relative to slavery was intended to strengthen and protect it. Congress had no power to prohibit slavery in the territories. The clause giving Congress power to make regulations for the territories did not confer general jurisdiction. * * * Penning the negro up in the old states would only make him wretched and would not strike a single fetter from his limbs. The common territory should be left open to the common enjoyment of all, * * * they should be protected in their persons and property by the general government, until its authority should be superseded by a state constitution. This is justice and constitutional equity. He contended for the subordination of the African as his normal condition, and productive of the greatest good to both races. His condition was better here than it had ever been anywhere. He argued for better conditions still to come. He deplored the agitation that had shaken the national government, praised Southern society and its progress, and said that no other system had exhibited the individual man, bond or free, in a higher development, or society in a happier condition.

Benjamin H. Hill (1823-1882) was Georgia's third great contribution to the Southern cause and to America's oratorical history. He stands in oratorical methods somewhat between the reserved appeal of Stephens and the unreserved attack of Toombs. He is in contrast to them and to practically all of the Southern speakers of our period in that he held no

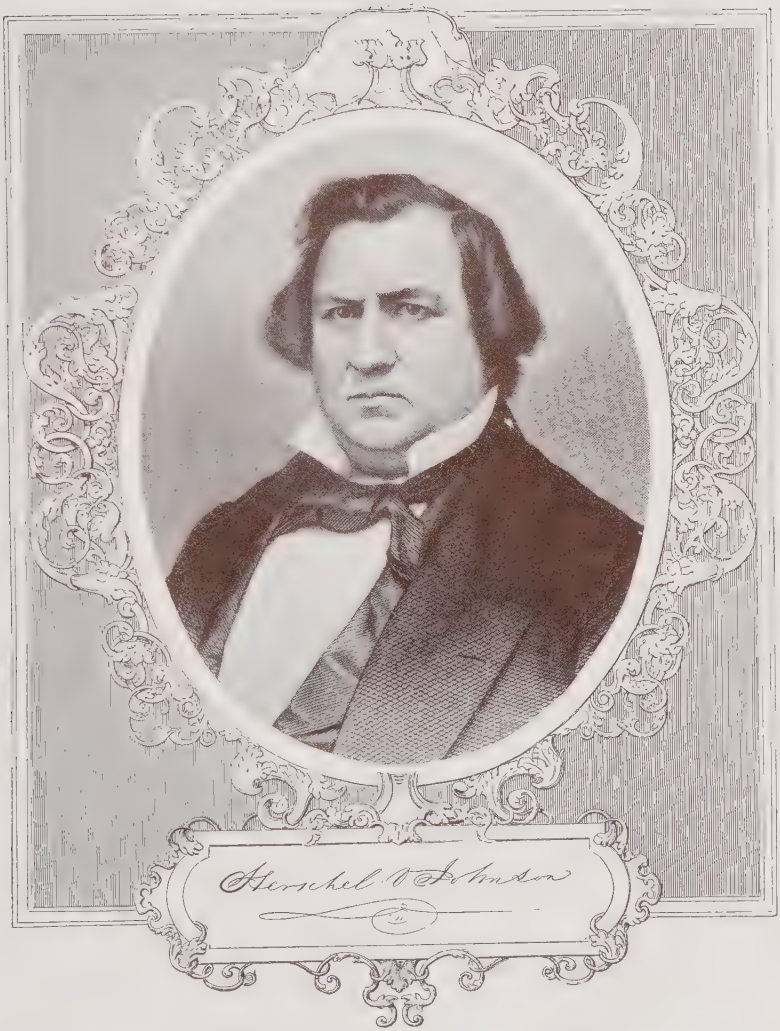
important public office until he was elected to the Confederate Congress. He had established his right to lead in several notable contests with the older speakers. He was defeated for Congress in 1855, for governor in 1857, and for presidential elector in 1861. His oratorical activities from 1851-1861 were devoted to the cause of preserving the Union; from 1861-1865 he was the ardent champion of the rights of his state and section; after the war his oratorical fame became national when as a member of the national legislative bodies he became the spokesman of the South. His speeches in support of Millard Fillmore firmly established his reputation, and his campaign for Bell in 1860 placed him easily in the class with his competitors, Toombs and Stephens. Only one speech remains from this notable campaign, a calm, high, altogether statesmanlike discussion of the momentous issues before the people. In 1865 when the interest of the people in the cause was waning, Hill came home and on March 11 delivered the last appeal to his state to make a stand. He was not accustomed to prepare or to revise his speeches, but he marked this one as exceptional by going over it carefully in 1874. Its logic, literary power, and high emotional values make it one of America's great orations. His speeches during reconstruction days are of course preserved. Daniel Vorhees at the conclusion of Hill's great reply to Blaine said, "That is the best speech that has been made in this house for twenty years. It is * * * sublime." Vest (referring to his speech of May 10, 1879) said that it was the greatest delivered in the Senate for twenty-five years.

The critical campaign of 1861 between Breckenridge, Douglas and Bell brought into sharply contrasted contest in Georgia the three great speakers just considered: Toombs for Breckenridge, Stephens

for Douglas, and Hill for Bell. To distinguish orators by a series of antithetical phrases which possess truth is a difficult and dangerous matter; but Vincent has profited by the rare opportunity offered for observation in this campaign and summarized the methods of these speakers in a brilliant paragraph that gives the effect of truth, if proper deduction be made for the fact that he is writing as an advocate of Toombs.

"Hill was quick, powerful, but unpersistent; Stephens, slow, forcible and compromising; Toombs, instantaneous, overwhelming and unyielding. Hill carried the crowd with a whirlwind of eloquence; Stephens first convinced, then moved them with accelerating force; Toombs swept them with a hurricane of thought and magnetic example. Hill's eloquence was in flights, always rising and finally sublime; Stephens' was argumentative with elegant smoothness, often flowing in sweeping majestic waves; Toombs' was an engulfing stream of impetuous force with a roar of thunder. * * * Hill's eloquence exceeded his judgment; Stephens' judgment was superior to his oratorical powers; in Toombs these were equipollent. Hill considered expediency; Stephens policy; Toombs principle always. * * * Hill discussed with opponents; Stephens debated with them; Toombs ignored them. * * * Their enemies said that Hill was treacherous in policies; Stephens selfishly ambitious; and that Toombs loaned like a prince and collected like a Shylock."

Another notable Georgian of this period of great Georgians was Herschel V. Johnson (1812-1880). He was governor of the state twice, United States senator, and Confederate States senator, and candidate for Vice-President on the ticket with Douglas. He opposed secession, and expressed his opposition


Herschel V. Johnson

with a power of oratory that put him in the class with Toombs, Stephens and Hill. He was large in size and impressively heavy in manner, in vivid contrast to his constant opponent Stephens. Victory alternated between them. In comparing their styles it has been well said that "Stephens wielded the Damascus blade; Johnson, the battle ax; Stephens was subtle; Johnson crushing." During the dark days of waning interest the sort of eloquence that Johnson possessed was just the sort that was needed to awaken enthusiasm.

Foremost among Southerners who persistently opposed the Confederacy was Andrew Johnston (1808-1875), of North Carolina and Tennessee, who was distinguished not only by achieving the presidency, but also by escaping impeachment in that office by the narrowest margin. To understand his oratorical appeal and his position in the successive phases of the great struggle one must understand that he belonged to the class called "poor whites," and that he rose steadily from a tailor's bench through all gradations of poverty and political office to this highest office in the republic. Although he was allied to the interests of slavery and drawn to its defense, his prejudices (and they were terribly strong) were on the side of freedom. It was his own development that gave force to his great speech on the homestead law, May 20, 1858. It was his own development that made him so strong before the people. He was invincible as a rough and tumble debater. As a man who had been taught to read after marriage, it was hardly necessary for him to say: "I have not the power to con over and get by rote and memory handsomely rounded periods and make a great display of rhetoric." But his life experience had given him convictions that had the fire of earnestness, and earnestness is a good substitute for

scholarship and imagination on the stump. He had the courage, too, of his convictions. On one occasion he went into a public meeting and laid his pistol on the table before him and said: "I have been informed that I am to be assassinated if I come here. If that is true, it is the first business in order, and should be attended to before we proceed further." Such were his methods. At the time of the outbreak of the war he was serving in the Senate to which he had been promoted in 1857. He was a power in resisting the strong Southern attack, although friends of the Union regretted that he did not assert his strength sooner than he did. He possessed a clear and mellow voice, well modulated; but "his eloquence," says Cox, "was more forcible than fine, more discursive than eloquent." Senator McCreery's estimate of his oratorical power is probably just. In speaking of Johnston's championship of the Union in his speech of February 5 and 6, he says, after remarking its redundancy: "It was a powerful plea for the constitution. Other speakers may have been as logical and as eloquent, but no man spoke with more earnestness. * * * He related no anecdotes, and aimed at no pleasantries; but voice, manner and diction rose to the level of the great question. The unvarying earnestness of his delivery may have been the secret of his powers and the key to his stronghold upon the confidence of the people of Tennessee."

John C. Breckenridge (1821-1875), a member of a family remarkable for the popular statesmen that it has furnished the country, is the most popular leader that Kentucky ever produced excepting alone Henry Clay. He rose so rapidly through the various gradations of political office that he achieved the vice-presidency when thirty-five. He was defeated for the presidency in 1860, but he entered the

Senate where he remained the last of the departing Southerners till Aug. 6, 1861. He held the portfolio of war in the Confederate Cabinet after serving with exceptional credit as a soldier. He saw no public service after the war. His eulogy of Clay and his oration on the removal from the old Senate are his most finished orations. The most dramatic episode in his forensic career, and easily one of the most dramatic in the history of the Senate, was his debate with Baker of Oregon. The occasion was the Insurrection and Sedition bill, and Breckenridge was making a speech that visibly affected the opposition when Baker came in incidentally, in his soldier's coat and fatigue cap. He laid his sword across his desk, listened eagerly to the Kentucky orator and replied immediately. Blaine describes the scene as one of extraordinary interest and attraction.

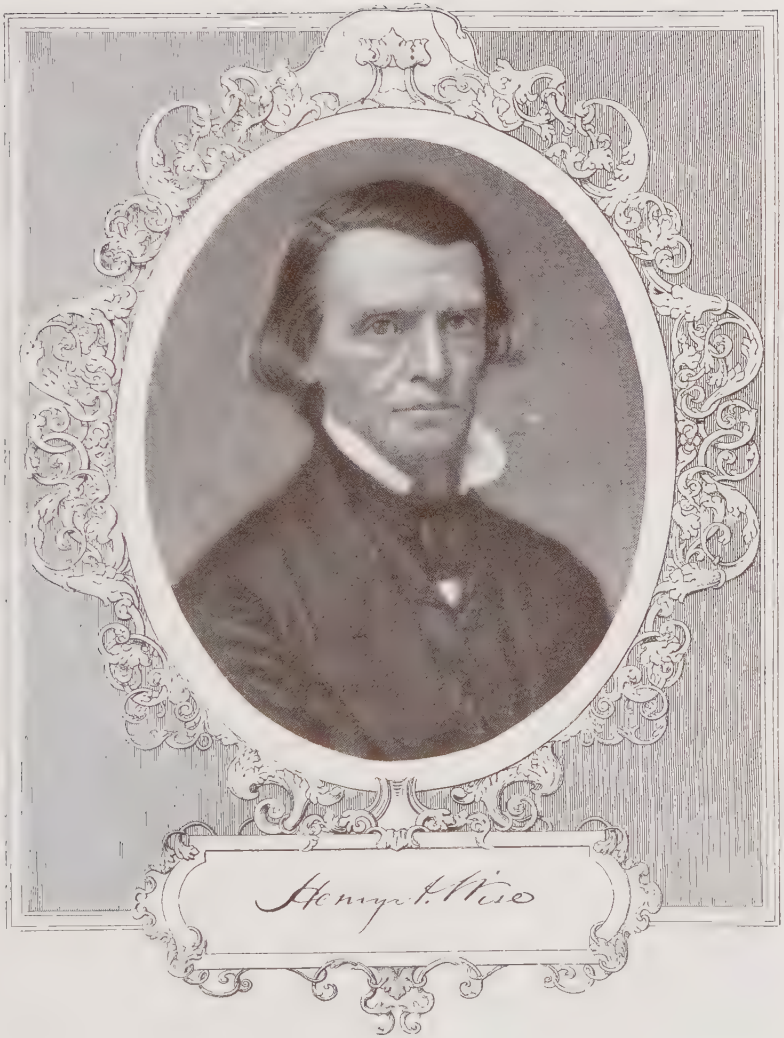
Breckenridge's position was that secession was a right, but that it was not a wise remedy for existing evils. He could have taken Kentucky out of the Union if he had chosen. He sincerely loved the constitution and the Union and on his election to the Senate in 1859 he said: "When questioned I will say in your name: 'Kentucky will act in a manner answerable to her name and history. She will cling to the constitution while a shred of it remains, and if unhappily madness and folly and wicked counsels succeed to destroy the fairest fabric ever erected to liberty among men, she will conduct herself with so much wisdom, moderation, and firmness as to stand justified before the tribunal of history, and in the eye of heaven for the part she will play in the most disastrous drama ever enacted in the theatre of the world.' "

Henry S. Foote (1800-1880) may be classified with Andrew Johnston for his adoption of Tennessee as a

home preferable to his native state, for the general nature of his opinions, and likewise because of the fact that he is one of the most interesting figures in this dramatic period. His national career began in 1847 when he was elected to the United States Senate as a Unionist from Mississippi. He favored the compromise measures of 1850 and defeated Jefferson Davis for the governorship in 1854. At the Knoxville convention he rigorously opposed secession, and moved to Tennessee when the secession drift of Mississippi became evident. He continued his fight against the Confederacy from the inside, advocating ending the war in 1863 and in 1864, and gave the government at Richmond more trouble than any other one man. After the war he supported Grant. He was of fiery temper, and violent in manner, and consequently was a participant in several duels. His vigorous intellect and virile oratory gave him preëminence as a criminal lawyer, and commanding influence in this period of passionate feeling.

Henry A. Wise (1806-1876) of Virginia, is in some respects suggested by Foote. His oratory was of a higher grade than that of the Tennesseean, and produced a more constructive result; but he was erratic and eccentric, and leaves an impression of being less great than he should have been. However, he was a vital influence in Virginia politics, in that it was his brilliant and fascinating oratory that defeated the Know-Nothing movement. Goode says that Wise was the greatest orator he ever heard except W. L. Yancey. His lively mind glowed with figures and original ideas which he conveyed in a "torrent-like flow" of nervous words accelerated by his own coinage. The remarkable effect produced upon his hearers is not reawakened by a reading of his speeches.

Of Southerners in this period who were primarily


Henry A. Wise

orators, one of the greatest was W. L. Yancey, who was born in Georgia, but whose active life credits him to Alabama. He was a leader of the radical party in the South, and in contrast to most of those previously considered, he urged secession without qualification or apology,—saw in it, in fact, the one hope of the South. He served in Congress from 1844-1847, but resigned and built up one of the largest law practices in the South. As the war came on he became "the most conspicuous orator in the South." S. S. Cox calls him "the Southern Demosthenes." He was properly the leader of the campaign to "fire the Southern heart," and toured the North and West in behalf of the Southern cause. His relation to it is analogous to that of Wendell Phillips to the cause of abolition. He, too, was a "fire eater," and "an out-and-outer." The picture of the South as an independent confederated nation was a clearer and more appealing vision to him than to any of the other Southern speakers. In spite of his passion he was not given to violent gesticulation, relying on devices of reserveful art. A contemporary is credited with the judgment that it was worth travelling across the continent to hear him pronounce the word Alabama.

Henry W. Hilliard was a neighbor of Yancey's and waged an equal contest with him before the people of Alabama for over twenty years. They honored each other and fought each other. In style of speaking they differed as radically as they did in their opinions. Where Yancey was impassioned Hilliard was reposeful; Yancey was native fire, Hilliard was eclectic. Both commanded eager attention. Hilliard was sent to the national Congress three times, represented the government at Belgium, fought secession, and then fought for the Confederacy as a brigadier-general. After the war, like Foote, he

voted the Republican ticket, and like him was rewarded with an office.

Clearly of the type of Yancey, rather than that of Hilliard, was Louis T. Wigfall (1816-1874) of Texas. In fact, Wigfall's violence was of the bitter, denunciatory sort that made him perhaps the most disliked of the Southern leaders. He remained in the Senate after Texas had sent representatives to Montgomery and pursued a course of outspoken denunciation of the Union that was the occasion of impassioned debate. He possessed fine gifts of oratory which he devoted largely to violent attack. Vest calls him "brilliant and aggressive." He proclaimed in the national capital as the rallying cry of secession: "Seize the forts, and to your tents O Israel!"

Although, as in the previous period, lawyers in legislative halls and on the hustings produced practically the whole of Southern oratory, the ministry affords a group of names that rank high for eloquence. Moses D. Hoge (1819-1899), for forty years pastor of the Second Presbyterian Church of Richmond, and a member of an eloquent family of clergymen, was considered the most eloquent preacher in the Southern Presbyterian church. He performed notable services for the Southern cause. James H. Thornwell (1812-1862) of South Carolina was more intellectual but less eloquent. He was an active advocate of secession. John A. Broadus (1827-1895) of Virginia was foremost among Baptists, as was Thornwell among Presbyterians, as a theologian and scholar. He was also preëminent as an appealing preacher. Francis L. Hawks (1798-1866) of North Carolina was the most able and eloquent of Protestant Episcopal pulpit orators of the period. He was unusually versatile, possessing historical insight and literary gifts beyond any of the others. William

E. Munsey (1833-1877) was easily first among the speakers of the Methodist church. For imaginative fervor he has not been equalled in the Southern pulpit.

The eloquence of the period was emphatically political and patriotic, and in the later stages almost wholly emotional. Although it naturally loses through the lapse of time, and through imperfect reports, speeches of great value remain. One or two additional facts of interest may be noted. First, there was weighty dissent from secession on the part of many of the leading orators. The conflict took on the nature of an irrepressible conflict rather than a debatable preference. Second, the oratorical preeminence and leadership passed wholly from Virginia down toward the centre of the slavery district.

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CHAPTER V.

POST-BELLUM ORATORY IN THE SOUTH, 1865-1909.

THE re-birth of a great people is a sacred and a wonderful phenomenon, one not easily conducive to conventional rhetoric; and that is the theme about which the oratory of the South since the War of Secession envelops itself.

Superficially, we seem to have some justification for glancing in wistful retrospect to the epoch-crowded years of the ante-bellum era and exclaiming, in plaintive cadence, "there were giants in the earth in those days!" As a matter of actuality the appearance of difference is deceptive, slowly dissolving, upon close examination, into its true porportions of a readjustment rather than an obliteration of channels.

Webster's happy definition runs to the effect that the three essentials of real oratory are the man, the subject and the occasion. Yet the statement does not exhaust the issue, especially when we consider the agencies that have been at work upon oratory in the North no less than in the South, since the signing of peace at Appomattox courthouse. We must expand and contract our oratorical horizons to meet changed standards and conditions. We cannot ignore the leading principle that the deep, underlying spirit of a people, their immediate and impelling exigencies, color and determine the formal public expressions nominally known as oratory.

The general average of intelligence and of education, the domain and influence of the press, have vastly enhanced since the war. These factors ex-

plain only in part the seeming diminution of oratory, even though they make the man-in-the-street a more discerning and exacting critic than his counterpart in the old days. The ultimate explanation lies in the alteration of those mighty forces which inspire history in every age.

The South of post-bellum times is aggressive, achieving, recuperative, commercially militant; anything but meditative, leisurely, academic and given to the amenities of forensic discussion, such as was the South of ante-bellum record. And there you have the basic difference, the dividing line that separates sharply the oratory of the two epochs. The genius then expended in what we once called oratory, has since been transmuted into the genius that rebuilds, that faces revolutionized circumstance, that wrestles with strange and drastic problems and that constructs in a little more than four decades an industrial empire upon the ruins of an agricultural oligarchy.

It is, then, not wonderful that an uprooting alteration has wrought upon the oratory of the Southern states. And still, we see that oratory discharging its functions, broader functions than those outlined in the sweeping definition of Daniel Webster. For the oratory of the South of to-day not only speaks in challenging and majestic accents when the scene is that of a shifting epoch; likewise, its tones are precise, communicative, downright and charged with the world-old fire from heaven, when it seeks to reflect current opinion, to make plain to all hearers the sentiment of a people, or to set forth to an attentive audience various phases of vital issues that press heavily upon the public mind and the public conscience.

The examples that follow are not meant to be exhaustive; that is impossible in the nature of things.

But they are designed to show that oratory still abides in the South, modified only by and adapting itself only to swift-moving changes in the farthest-spreading and most portentious drama of the ages.

For purposes of convenience, it is expedient to divide Southern post-bellum oratory into several self-explanatory epochs, or issues, as the student may choose to call them. First, of course, comes reconstruction, with its statement of the attitude and the sufferings of the Southern people; through this period would also run that oratory dealing with Confederate reminiscence. Next would logically come the era of reconciliation, the effecting of broader understanding between the sections. Third, the appearance of undisputed evidences of a re-nationalization. Fourth, and applying alike to all epochs, recurrent treatments of the negro problem. Fifth, the overshadowing dominion of industry and commerce, one of the dominant post-bellum notes. Sixth, education. Seventh, miscellaneous oratory. No effort is made to adhere to chronological order, and the breadth of the canvas precludes rigid observance even of the boundaries of the epochs and issues.

No detached selection of Southern oratory, from the closing of the war to the present day, can approach in sheer eloquence, in force, in immediate effect or in splendid bravery the "Davis Hall" speech of Benjamin H. Hill, delivered in Atlanta, Ga., on the night of July 16, 1867. The disastrous and anguishing echoes of the surrender at Appomattox had hardly subsided. The South lay prostrate in ruins and poverty; its economic, industrial and social systems revolutionized; its people dominated by the merciless oppression of scallawags, carpet-baggers, ignorant, vicious and incendiary negroes. Hope was far distant from the most courageous and

sanguine of Southern white men. It would be difficult to conceive a people cherished and developed under a republican constitutional form of government more numbed in spirit, more completely crushed by the paralysis of despair.

Upon this dismal prospect, the speech of "Ben" Hill came like dawn after an agonizing and intolerable night. It kindled the fires of rehabilitation, of energy, and opened up vistas of fortitude and hope where before had dwelt gloom impenetrable. The speech was aimed especially at the repressive reconstruction measures enacted and proposed by Congress. It also laid bare the shameful position of the Southern people, helpless before the mercenary alien horde that had gripped the institutions of the various states. The effect was not confined to Georgia or the South. For throughout the address, Mr. Hill was careful to stress the note of reconciliation, to emphasize the constitutional side of the section's grievances. So that it came as a revelation to thoughtful people at the North, and paved the way for a mitigation of the insupportable conditions under which the South groaned. An additional dramatic feature was lent its delivery by the fact that federal officers and soldiers thronged "Davis Hall," and no man knew whether the temerity of the great Georgian would cost him his life, or humiliation at the hands of the desperate men he was excoriating.

It is to be regretted that lack of space precludes fuller extracts, since each portion of it fits into succeeding passages in marvellous mosaic form. The following selections will, however, indicate the tremendous virility underlying the speech that really marked a new epoch:

"I tell you, the American people will not always be deceived. They will rise in defense of their constitution—and traitors will tremble. They who rallied three million strong to defeat when they

considered an armed assault on the constitution and union, will not sleep until a few hundred traitors from behind the masked battery of congressional oaths and deceptive pretensions of loyalty shall utterly batter down the constitution and union forever. I warn you, boastful, vindictive Radicals, by the history of your own fathers, by every instinct of manhood, by every right of liberty, by every impulse of justice, that the day is coming when you will feel the power of an outraged and betrayed people. Go on confiscating! Arrest without warrant or probable cause; destroy habeas corpus; deny trial by jury; abrogate state governments; defile your own race and flippantly say the constitution is dead! On, on, with your work of ruin, ye hell-born rioters in sacred things! but remember for all these things the people will call you to judgment. Ah! What an issue you have made for yourselves. Succeed, and you destroy the constitution! Fail, and you have covered the land with mourning. Succeed, and you bring ruin on yourselves and all the country! Fail, and you bring infamy upon yourselves and all your deluded followers! Succeed, and you are the perjured assassins of liberty! Fail, and you are defeated, despised traitors forever! Ye who aspire to be Radical governors and judges in Georgia, I paint before you this day your destiny. You are but cowards and knaves, and the time will come when you will call upon the rocks and mountains to fall on you and the darkness to hide you from an outraged people. * * * A struggle is coming. It may be a long and bloody one, and you who advocate this wicked scheme will perish in it, unless the people now arouse and check its consummation. Let every true, law-loving man rally at once to the standard of the constitution of his country. Come. Do not abandon your rights. Defend them. Talk for them, and if need be, before God and the country, fight and die for them. Do not talk or think of secession or disunion, but come up to the good old platform of our fathers—the constitution. Let all, North and South, come and swear before God that we will abide by it in good faith, and oppose everything that violates it. * * * I am willing, anxious to welcome among us good and true men from the North, who come to help build up our country and add to its prosperity. I wish they would come on and come in multitudes. They will find us friends. But when I see the low, dingy creatures—hatched from the venomous eggs of treason—coming here as mere adventurers to get offices through negro votes—to ride into power on the deluded negro's shoulders—and creeping into secret leagues with negroes and a few renegade Southern whites, and talking flippantly about disfranchising the wisest and best men of the land, because they know it is the only possible chance for knaves and fools like themselves to get place, I can but feel ashamed that such monsters are to be considered as belonging to the human species. * * * And now, my friends, of all races, of all colors, of all nations, of all sexes, of all ages, let us resolve to stand by our constitution and surrender it to no enemy. This is our country. Let us resolve that we will never be driven from it, nor ostracised in it."

From Benjamin H. Hill to John B. Gordon is a logical stride, since the name and the temperament of Gordon and "The Last Days of the Confederacy," the lecture which made him nationally famous, suggest the shading off of the melancholy note of reminiscence, the tenseness and subdued ferocity of feeling which here and there informed Hill as the mouthpiece of the South under the yoke. The following extract from General Gordon's lecture reflects a pathetic retrospect upon the anguish and the glories of the war, while breathing the more hopeful prophecy of a reunited nation:

"The Rapidan suggests another scene to which allusion has often been made since the war, but which, as illustrative also of the spirit of both armies, I may be permitted to recall in this connection. In the mellow twilight of an April day the two armies were holding their dress parades on the opposite hills bordering the river. At the close of the parade a magnificent brass band of the Union army played with great spirit the patriotic airs, 'Hail, Columbia,' and 'Yankee Doodle.' Whereupon the Federal troops responded with a patriotic shout. The same band then played the soul-stirring strains of 'Dixie,' to which a mighty response came from ten thousand Southern troops. A few moments later, when the stars had come out as witnesses and when all nature was in harmony, there came from the same band the old melody, 'Home, Sweet Home.' As its familiar and pathetic notes rolled over the water and thrilled through the spirits of the soldiers, the hills reverberated with a thundering response from the united voices of both armies. What was there in this old, old music to so touch the chords of sympathy, so thrill the spirits and cause the frames of brave men to tremble with emotion? It was the thought of home. To thousands, doubtless, it was the thought of that Eternal Home to which the next battle might be the gateway. To thousands of others it was the thought of their dear earthly home, where loved ones at that twilight hour were bowing round the family altar and asking God's care over the absent soldier boy."

Dovetailing through natural sequence into the sentiment of Gordon is the oratory of Charles B. Galloway, Methodist Bishop of Mississippi, on "Reconstruction in the South, Past and Present." The speech was delivered at the dedication of Mississip-

pi's new capitol June 3, 1903, and, as will be seen from the following excerpt, while emphasizing the note of reverence for the past, carries still further forward the idea of reconciliation:

"When William McKinley, himself a gallant soldier, in the magnanimity of his great soul, and voicing the sentiment of a reunited nation, proposed that the government should garland and protect the graves of our Confederate dead, the angel of a new apocalypse swept through our American heavens and sang again the song of the Judean hills, 'Peace on earth, good will to men.' This nation is more united in heart and hope to-day than ever in its history. The honor of our flag is as dear to the sons of the South as the North, and wrapped in its glorious folds they have been laid to sleep in the same heroic grave. I cannot forget that we were

'One people in our early prime,
One in our stormy youth,
Drinking one stream of human thought,
One spring of heavenly truth.'

and I trust that we may forever fight the battles of our God and country under a common flag, on which there is a star that answers to the proud name of Mississippi. And from such a wide national outlook there will come immediate and permanent blessing to these Southern states. There is profound political philosophy in the utterance of a distinguished Mississippi statesman, that 'the one great need of the South is a great national aspiration nationally recognized.' Let the wide sweep of our horizon take in the whole nation. Our domestic troubles may find easier solution in the broadening of our sympathies and enlarging the field of our political activities. Passion and provincialism vanish in a perspective. Upon the statue of Benjamin H. Hill in the capitol at Atlanta, Ga., a statue erected to that great senator, the echoes of whose strangely musical voice yet thrills the heart of Southern patriotism like the notes of a bugle, are these words, spoken by himself: 'Who saves his country saves all things, and all things saved will bless him. Who lets his country die, lets all things die, and all things dying, curse him.' That sentiment I would engrave upon the heart of every young Mississippian, and make it the inspiration of every patriotic service."

While in each of the three addresses cited appears the cumulative note of reconciliation, though delivered at widely separated eras, it remains for the oratory of Henry W. Grady to build a bridge between the old and the new, so staunch and logical as to go down in history as the formal re-welding of ties be-

tween the sections. Clear-cut, vivid, pressing past, present and future into its inspired analysis, the oratory of this Georgian has given him admitted eminence in the generation immediately following the war. Many Americans prefer his last public speech, made at the Boston banquet in 1889. A more sequential presentation of his theme, and a more rounded enunciation of his principles, is found in his address delivered before the New England Club of New York, Dec. 21, 1886. Here is an extract from the address that virtually made and established his fame in one breath:

"The old South rested everything on slavery and agriculture, unconscious that these could neither give nor maintain healthy growth. The new South presents a perfect democracy, the oligarchs leading in the popular movement—a social system compact and closely knitted, less splendid on the surface, but stronger at the core—a hundred farms for every plantation, fifty homes for every palace—and a diversified industry that meets the complex need of this complex age. The new South is enamored of her new work. Her soul is stirred with the breath of a new life. The light of a grander day is falling fair on her face. She is thrilling with the consciousness of growing power and prosperity. As she stands upright, full-statured and equal among the people of the earth, breathing the keen air and looking out upon the expanded horizon, she understands that her emancipation came because through the inscrutable wisdom of God her honest purpose was crossed and her brave armies were beaten. This is said in no spirit of time-serving or apology. The South has nothing for which to apologize. She believes that the late struggle between the states was war and not rebellion; revolution and not conspiracy, and that her convictions were as honest as yours. I should be unjust to the dauntless spirit of the South and to my own convictions if I did not make this plain in this presence. The South has nothing to take back. In my native town of Athens is a monument that crowns its central hill—a plain, white shaft. Deep cut into its shining side is a name dear to me above the names of men—that of a brave and simple man who died in brave and simple faith. Not for all the glories of New England, from Plymouth Rock all the way, would I exchange the heritage he left me in his soldier's death. To the foot of that I shall send my children's children to reverence him who ennobled their name with his heroic blood. But, sir, speaking from the shadow of that memory which I honor as I do nothing else on earth, I say that the cause in which he suffered and for which he gave his life was adjudged by higher and fuller wisdom than his

or mine, and I am glad that the omniscient God held the balance of battle in His Almighty hand and that human slavery was swept forever from American soil, the American Union was saved from the wreck of war. This message, Mr. President, comes to you from consecrated ground. Every foot of soil about the city in which I live is as sacred as a battle-ground of the Republic. Every hill that invests it is hallowed to you by the blood of your brothers who died for your victory, and doubly hallowed to us by the blow of those who died hopeless, but undaunted, in defeat—sacred soil to all of us—rich with memories that make us purer and stronger and better—silent but staunch witnesses in its red desolation of the matchless valor of American hearts and the deathless glory of American arms—speaking an eloquent witness in its white peace and prosperity to the indissoluble union of American states and the imperishable brotherhood of the American people. Now, what answer has New England to this message? Will she permit the prejudice of war to remain in the hearts of the conquerors, when it has died in the hearts of the conquered? Will she transmit this prejudice to the next generation, that in their hearts which never felt the generous ardor of conflict it may perpetuate itself? Will she withhold, save in strained courtesy, the hand which straight from his soldier's heart Grant offered to Lee at Appomattox? Will she make the vision of a restored and happy people, which gathered above the couch of your dying captain, filling his heart with grace; touching his lips with praise, and glorifying his path to the grave—will she make this vision on which the last sigh of his expiring soul breathed a benediction, a cheat and delusion? If she does, the South never abject in asking for comradeship, must accept with dignity its refusal; but if she does not refuse to accept in frankness and sincerity this message of good will and friendship, then will the prophecy of Webster, delivered in this very society forty years ago amid tremendous applause, become true, be verified in its fullest sense, when he said: 'Standing hand to hand and clasping hands, we should remain united as we have been for sixty years, citizens of the same country, members of the same government, united, all united now and united forever.' There have been difficulties, contentions and controversies, but I tell you that in my judgment,

> 'Those opened eyes,
> Which like the meteors of a troubled heaven,
> All of one nature, of one substance bred,
> Did lately meet in th' intestine shock,
> Shall now, in mutual well beseeming ranks,
> March all one way.' "

Still stressing the reminiscential note, but embracing also the trend toward reconciliation and reunion, is the following fragment from an address by Senator Edward W. Carmack, of Tennessee, deliv-

ered at the memorial services in honor of William B. Bate, in the United States Senate, January 17, 1907:

"It is a fact significant of the happy passing of old issues, of old passions and prejudices, that among the most devoted friends he had in this Chamber were those who wore the blue when he wore the gray, who fought under the Stars and Stripes when he fought under the Stars and Bars; with whom he contended for life and death in the awful shock of battle. There are no truer friends than those who have been honorable foes, and the handclasp that is made above the grave of kindred dead is never broken. Even as he loved and honored those who fought by his side, he loved and honored those who confronted them. And while old associations, the memory of common sorrows and of common sufferings, bound him as with hooks of steel to his comrades in arms, the story of that great war was to him a lesson of American prowess and American valor, which, united under a common flag, could withstand the world in arms. The Confederacy had no braver knight than William B. Bate when war was flagrant in the land; the Union had no truer friend since the war clouds were lifted and the waiting sunlight came down to bless the land which is the common hope, as it is the common heritage, of us all."

While the interminglings of commerce and industry had re-sealed the relations between the sections long before the Spanish-American war, it remained for that event to mark sharply for historical purposes, the final appearance of re-nationalization. Here is an extract from a speech of George G. Vest, Confederate veteran and late United States Senator from Missouri, in the Senate December 12, 1898, protesting as an American against the then-forming policy of imperialism:

"Mr. President, it is incredible that the men who fought for seven long years, without money, without men almost, and without arms, against the proudest and strongest nation in the world, resisting the doctrine upon which the colonial system of Europe is based, should, after being rescued by Providence from its thraldom, deliberately put this doctrine in the written Constitution framed to govern them and their children. Sir, we are told that this country can do anything, Constitution or no Constitution. We are a great people—great in war, great in peace—but we are not greater than the people who once conquered the world, not with long-range guns and steel-clad ships, but with the short sword of the Roman legion and the wooden galleys

that sailed across the Adriatic. The colonial system destroyed all hope of republicanism in the olden time. It is an appanage of monarchy. It can exist in no free country, because it uproots and eliminates the basis of all republican institutions—that governments derive their just powers from the consent of the governed. I know not what may be done with the glamour of foreign conquest and the greed of the commercial and money-making classes in this country. For myself, I would rather quit public life, and would be willing to risk life itself, rather than give my consent to this fantastic and wicked attempt to revolutionize our Government and substitute the principles of our hereditary enemies for the teachings of Washington and his associates."

An even more dramatic emphasis of the new epoch, from the standpoint of sentiment, is an extract from the address of General Joseph Wheeler, hero of both the War of Secession and the Spanish-American war, delivered at the Confederate Veteran camp of New York, January 19, 1898:

"The mediæval ages gave us noble examples of devotedness and chivalry; but it belonged to the American Republic, founded and defended by Freedom's sons, to give to the world the noblest type of warrior; men in whom martial renown went hand in hand with the noblest of virtues; men who united in their own characters the highest of military genius with the loftiest patriotism, the most daring courage with the gentlest courtesy, the most obstinate endurance with the utmost self-sacrifice, the genius of a Cæsar with the courage and purity of a Bayard. Patriotism and love of liberty, expanding and thriving in the atmosphere of free America, added a refining touch to the martial enthusiasm of our forefathers and elevated the character of the American soldier to a standard never attained by fighting men of any other age or nation. Volumes would never do justice to the valorous achievements of George Washington and his compeers, the boys of '76; of the heroes of 1812 and of 1848; of the men in blue who fought under Grant, Sherman, Sheridan, Thomas and Farragut; of the men in gray who followed the lead of Johnston, Jackson and Lee from 1861 to 1865; of the intrepid band that sailed with Dewey into Manilla Bay, or of the small but heroic army of 1898 that fought at Las Guasimas, El Caney and San Juan and left the Stars and Stripes floating in triumph over the last stronghold of Spain in the New World."

One of the surest portents of the re-nationalization of the South is the growing restiveness of a certain progressive element under the political conditions that make for political solidarity, and that

are charged with isolating this section from the remainder of the nation. A clear illustration of this spirit is found in an address by Walter H. Page, of North Carolina, editor of *World's Work*, delivered before the North Carolina Society of New York, in early December of 1908. A portion of the address is as follows:

"I am leaving party politics severely alone, but I am speaking to a national and patriotic theme. A republican administration or a democratic administration is a passing incident in our national history. Parties themselves shift and wane. And any party's supremacy is of little moment in comparison with the isolation of a large part of the union from its proper political influence. The manhood and the energy and the ambition of Southern men now find effective political expression through neither party. The South, therefore, neither contributes to the nation's political thought and influence nor receives stimulation from the nation's thought and influence. Its real patriotism counts for nothing—is smothered dumb under party systems that have become crimes against the character and the intelligence of the people. Politically, it is yet a province; and we are tired of this barren seclusion."

The cry of the South for a retrieval of its national preëminence has not been more succinctly set forth than by Thomas E. Watson, a Georgian who has figured conspicuously in American politics in its stormiest aspects and eras. In 1908, Mr. Watson was presidential candidate of the Populist party. The following extract is from an address delivered in Atlanta in October of that year:

"With the vote of Georgia made uncertain, the solid South is threatened with a break-up, and with the breaking up of the solid South will come the dawn of a better, brighter day, not only for Georgia and the South, but for the whole union. Inspired by this belief, it has been a work of love for me to campaign the state. I have concentrated my efforts within her borders because of my resolution to hew to the line of my own purpose, regardless of Taft, regardless of Bryan, regardless of anything except the fixed ambition to do something that will tend to restore the Southern states to the splendid position which they once held in the government of the nation. I shall never be president myself, but I am blazing the trail along which some other Southern white man will take his way to the white house. I am marking out the road along which Southern

statesmanship will lead the South back to her former power. To the extent that I have made the march this year, I will shorten it for those who will come after me; to the extent to which I have carried the battle line, I lessen the struggle for those who shall win the final victory. * * * To see the South throw off the sackcloth of her political desolation, to see her rise to the full height of her strength and independence, to see her take her confident way toward a brighter future, with the light of hope in her lustrous eyes and the Miriam song of victory on her imperial lips—has been one of my fondest dreams."

In no respect is the aroused commercial instinct of the South more visible than in its appreciation of the vast benefits to accrue to the section from the completion of the Panama canal. At a banquet of business men in Houston, Texas, November 1, 1901, Robert L. Henry, congressman from that state, delivered an address strikingly summarizing the advantages to flow to that state with the opening of the isthmian waterway. His peroration, as follows, is national in its scope:

"Away with the narrow limits of a pent-up Utica! Down with the restrictive tariff and Chinese walls of protection! Let us out to the seas and grasp hands in free business intercourse with the millions of people everywhere! Let us swing wide an 'open door' to the world at large and demand an 'open door' in return! Then, with this waterway established, future years may bring the rich plains of Canada into this Union of States. Our strong arms may some time peaceably encircle Mexico and Central America and erect them into self-governing states of this Union. With this consummation let us fling away the islands of the seas and maverick herds of people there, aliens to our institutions and corroding to our body politic. Then, with the greatest republic ever possible in ages past and future, resting securely between the two mighty oceans beating against her, America will endure as the protection of freedom, human progress and constitutional government 'as long as the stars twinkle through the loops of time.'"

Another Texan, Clarence Ousley, editor of the Fort Worth *Record,* who has taken an instrumental part in the great new era of business and education and industrialism in that state, sounds significant notes on all three of these phases, as they affect the South, and the nation. The extract is taken from

an address by Mr. Ousley before the Conference for Education in the South, in Atlanta in April, 1909:

"If any peril threatens the republic, it lies not among the comfortable farmers of our agricultural states, but among the disinterested toilers of the manufacturing centers. Why, up yonder where they grow so rich it takes a million toilers to make one multi-millionaire and a thousand millionaires to make one philanthropist, and thank God for the one philanthropist, but God save us from the other 999 and give us a system of government and sociology that will produce more philanthropists or fewer millionaires; and therefore I plead for a public policy that will promote the prosperity, the culture and the contentment of rural life, and I sound the warning that therein lies the hope of a virtuous and self-governing people. * * * In the old days we had here an aristocracy of wealth and culture whose beauties and delights the history of all the world had not matched. But it was doomed to fall because it rested upon the shoulders of human bondsmen. Let us rear in its stead another Southern aristocracy consisting of the uniform prosperity, enlightenment, contentment and sovereignty of the plain people to whose educated intelligence is committed the custody of the ark of the covenant of an everlasting democracy. Thus may we hope to justify that Southern citizenship, which in the early day was the type of the best Americanism, and make it again the hope as in the beginning it was the strength of the republic of our fathers."

From the South since the war has come one of the most significant tendencies in national industry and economics; the movements to organize rural workers for purposes of education and of combating the organized influences that have at times arrayed themselves against the interests of the agricultural population. Charles S. Barrett, of Georgia, is president of the Farmers' Union, an organization comprising 3,000,000 bona fide American farmers. Here is how he stated the meaning of that movement in his address at the annual convention in Fort Worth, Texas, September, 1908:

"I want you to realize that we are fighting a battle that no political party, however great, no crusade in history, however vital and widespreading, has attempted. We are fighting the battle of the producers of the wealth of this country, the most wonderful country in history. We are doing what no crusader or reformer has dared to undertake. We are saying to the man whose toil feeds

and clothes nearly a hundred million people, not to mention the teeming hordes of Europe and Asia: 'Without organization and co-operation, without education and persistent, never-tiring effort, without sacrifice and obedience to discipline you can never attain the true reward for your labor; you can never rise, as a class, above the hardships and the oppressions that have always been visited upon the man who creates wealth in the sweat of his brow; you can never win the income to which you are entitled, that you may properly feed and clothe and house and educate your wife and your children. Without organization you will be as helpless against the man who would prey upon your efforts as one man would be against an army. * * * The result has been that to-day, scarcely five years from our organization, we have a membership approaching 3,000,000 of the people upon whose efforts the prosperity of this country depends."

Like the theme of re-nationalization, the issue of education has run like a connecting thread between all the notable post-bellum oratory of the Southern states. An illuminating concrete instance is furnished in an address by Charles D. M'Iver, at the time of his recent death president of the North Carolina State Normal College for Women. Dr. M'Iver was a splendid type of the Southerner devoting his life energies to the propaganda of education in each one of its phases, but more particularly the democratic phase. The address from which this extract is taken was delivered at the fourth annual Conference for Education in the South, at Winston-Salem, N. C., April, 1901; it emphasizes the demand for education of women, as well as men:

"Education is expensive, but the need of this hour is a number of educational evangelists with sufficient courage, eloquence, logic and power to convince the people of the profound truth that ignorance and illiteracy cost more than education. It is very difficult for a rural people to discard the primitive notion that land is the only real estate. They are slow to see that in a civilized country the value of land and land products is not so great as the value of mind and mind products—that brain is better property than land and that ideas and inventions multiply a thousandfold the natural products of the earth. Ideas are worth more than acres, and the possessors of ideas will always hold in financial bondage those whose chief possession is acres of land. Money invested in the education of a man is a good investment, but the dividend which it yields is frequently

confined to one generation and is of the material kind. It strengthens his judgment, gives him foresight, teaches him to be orderly and law-abiding, and makes him a more productive laborer in any field of activity. It does the same thing for a woman, but her field of activity is usually in company with the children, and, therefore, the money invested in the education of women yields a better educational dividend than that invested in the education of men. It is plain, therefore, that the state and society, for the sake of their present and future educational interest, ought to decree that for every dollar spent by the government, State or Federal, and by philanthropists in the training of men, at least another dollar shall be invested in the work of educating womankind."

Upon the problem of regulating the liquor traffic, now grown into a sectional issue, one of the most remarkable pronouncements is that of Thomas E. Watson. His passages bring this study appropriately to a conclusion, since in their classical and historical allusions and in their sweeping, on-going measure, they are reminiscent of that type of oratory that has made Southern eloquence a synonym for Thomas B. Reed's definition, "logic on fire":

"It is a warrior whom no victory can satisfy, no ruin satiate. It pauses at no Rubicon to consider, pitches no tents at nightfall, goes into no quarters for winter. It conquers amid the burning plains of the South where the phalanx of Alexander halted in mutiny. It conquers amid the snow drifts of the North where the Grand Army of Napoleon found its winding sheet. Its monuments are in every burial ground. Its badges of triumph are the weeds which mourners wear. Its song of victory is the wail that was heard in Ramah—'Rachel crying for her children and weeping because they are not.'

"It never buries the hatchet: its temple of Janus never closes its doors. No dove of peace ever carries its message; in its hand is never the olive branch. It sends no flag of truce, and receives none: its wounded are left where they fall and its dead bury their dead. Every citadel that it storms it devastates, and in every charge which it makes its cry is, *'No Quarter!'*

"Those who fall before its onset die deaths of shame, and go down to dishonored graves to which love can bring no willing tribute of flowers, and over which pride can rear no enduring monument: to its prisoners it grants no exchange, holds them to no ransom, but clutches them fast, in a captivity that is worse than death, and which ends only at the grave.

"The sword is mighty, and its bloody traces reach across time, from Ninevah to Gravelotte, from Marathon to Gettysburg. Yet mightier is its brother, the wine-cup. I say 'brother,' and history

says 'brother.' Castor and Pollux never fought together in more fraternal harmony. David and Jonathan never joined in more generous rivalry. Hand in hand, they have come down the centuries, and upon every scene of carnage, like vulture and shadow, they have met and feasted.

"Yea: a pair of giants, but the greater is the wine-cup. The sword has a scabbard, and is sheathed; has a conscience, and becomes glutted with havoc; has pity, and gives quarter to the vanquished. The wine-cup has no scabbard and no conscience; its appetite is a cancer which grows as you feed it; to pity, it is deaf; to suffering, it is blind.

"The sword is the lieutenant of death, but the wine-cup his captain; and if ever they come home to him from the wars bringing their trophies, boasting of their achievements, I can imagine that death, their master, will meet them with garlands and song, as the maidens of Judea met Saul and David. But as he numbers the victories of each, his pean will be 'The sword is my Saul, who has slain his thousands; but the wine-cup is my David, who has slain his tens of thousands.'"

CLARK HOWELL,
Editor of Atlanta Constitution.

CHAPTER VI.

THE POLITICAL ORATORY OF THE SOUTH.

JUST where mere speechifying ends and oratory begins, it might be difficult to determine; and to what extent the influence of the orator has been greater than that of the mere speech-maker, it is impossible to say. Sir Robert Peel was certainly not an eloquent talker, while Gladstone assuredly *was*, yet Peel controlled the British Parliament by his speeches just as Gladstone afterwards did. The unemotional talk of Phocion often convinced the democracy of Athens when the full strength of Demosthenes had been exerted on the opposite side. The world will never forget the wonderful displays of oratory made by the prosecution in the impeachment trial of Warren Hastings: the speeches of Sheridan and of Burke will command unbounded admiration as long as the English language endures: but there must have been some effective *talkers* on the other side, for the *orators* lost their case.

Nevertheless, it is certain that the impassioned, creative and inspired speaker who rises into what we call oratory has frequently changed the course of history. Every man who has read much remembers instances.

In our own country, the opportunity of the orator has been a "Field of the cloth of Gold." Freedom of speech, manhood suffrage, the omnipotence of public opinion, the tendency of our institutions to uplift the individual, have naturally evolved a demand for public speech-making which, in turn, natu-

rally encouraged oratorical development. Perhaps, we have overdone it. Possibly, we have had too much "spell-binding." There have been times when our country would have been infinitely better off could we have muzzled the orators. For one thing, *they* plunged us into the War of Secession. We were wrought up, by passionate appeals, to fight out a question which in every other country was adjusted without the loss of a single human life.

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History has been cruelly unjust to the Southern orator, as it has been to the Southern patriot, soldier and statesman. The North has been the home of the author and the publisher, and it is only natural that the South should make a meagre showing in the literature which reflects Northern selfishness, pride and prejudice.

The ugliest fact in American history is the sectional hatred which disgraces the record of the republic, which caused one of the bloodiest, insanest wars that ever convulsed a great nation, and which has systematically used the machinery of government to plunder one portion of the Union in the interest of another. The Puritan hates the Cavalier: the Cavalier despises the Puritan: and nothing is more certain than that the typical New Englander and the typical Southerner will be enemies to the remotest generations.

The tradition that our institutions are based on Plymouth Rock and had the breath of life breathed into their nostrils by the Pilgrim Fathers, persistently survives. Even the South meekly accepts misstatements which occur so frequently that an unreflecting public believes: thus repetition of what is false quietly usurps the place of truth. We appear to forget that thirteen years before the *Mayflower* left the Old World, the Jamestown colony had al-

ready opened the grooves in which our governmental institutions have ever since run. The Puritans founded a theocracy,—and a very narrow, bigoted, persecuting and unprogressive one at that. It died. No such state could live anywhere, without some Calvin to run it. And New England had no Calvin.

The Virginia Colonists planted a democracy, and it throve. To Jamestown we owe the rude beginnings of our republic. Trial by jury, the equal right of every freeman to vote, self-government by representatives chosen by the people, home-rule in the same sense in which the term is now used, were the fundamental principles upon which the Virginia colony established its government—rights which were asserted in the first legislative assembly of white men that ever met on this continent: rights for which Bacon's insurgents fought, a hundred years before rebel blood dyed the green at Lexington.

When Oliver Cromwell had overthrown the monarchy in England, we find Virginia treating with his commissioners, and demanding a recognition of local sovereignty. A formal compact was put in writing, and by the eighth article of that treaty Virginia was acknowledged to be "free from all [English] taxes, customs and impositions whatsoever. None shall be imposed [by England] without the consent of the Grand Assembly," of Virginia.

Wasn't this local independence? After Cromwell's time, Stuart kings were restored, and they attempted to encroach upon the rights of the Old Dominion. It was then that Nathaniel Bacon rose in revolt.

It is to Southern statesmen that we owe the initiative in the struggle for *Independence;* the *Declaration* which is ridiculed in the academies, but yet loved by the people; the establishment of *freedom*

of religion; the *Constitution* under which we have waxed marvellously strong; the *expansion policy* which widened our arms to reach from sea to sea, and the *ideal of Government* which once brought general prosperity and happiness to our people, and which will yet be the salvation of the republic, when the Southern statesman shall once more dominate National councils,—himself consecrated to the principles of Mason and Lee and Henry and Jefferson and Jackson.

* * * * *

The Puritan historian would have the world believe that Otis was the pioneer orator of the American Revolution, omitting mention of the fact that when the cry of *"Treason! Treason!"* was dinned into his ears, he wilted like a craven and ate his words. Similarly tested, Patrick Henry towered into the majesty of a robust patriotism which felt no fears, and silenced the would-be extinguishers with his defiant throwing down of the challenge *"if that be treason, make the most of it."*

That of which he dared them to make the most, was a gentle hint, enforced by historical instances, that the life of a tyrant was not sacred to enraged patriotism.

In 1776, when Patrick Henry was still the trumpeter of the doctrine of *"We must fight!"* James Otis had shrunk into the timid advocate of compromise and conciliation.

Yet the prejudice of the Northern historian is so deeply imbedded in his very nature that he persists in placing the fitful, inconstant Otis upon a pedestal quite as high as that occupied by the dauntless Southern orator who made the first successful speech against England's oppressive policy, and led in per-

son the first armed movement against her arbitrary power.

* * * * *

In song and story, and made familiar to every boy and girl, Israel Putnam's mythical gallop down a flight of imaginary stone steps enters the class of important national occurrences, while Paul Revere's easy-going, non-perilous, and inconsequential ride of several miles—over a good road, on a good horse, and in good weather—is heralded as a feat thrillingly splendid. And why? It happened in New England. Northern historians, carefully ignoring the bitter contempt expressed by General Washington for the New England states and troops, foster the notion, and actually impose it upon the South and West, that the success of the American Revolution hinged upon Puritan valor and self-sacrifice.

Colonel Edward Lacey, of South Carolina, makes a headlong horseback dash of thirty miles at night to put the mountaineer bands on Ferguson's hot trail, —and thus made possible the King's Mountain fight, which was the turning point in the Revolutionary War,—but the Puritan historians make no mention of this Southern hero. Every trivial scrimmage that took place at the North is pictured in the glowing colors of local exaggeration, whereas they pass unnoticed the unconquerable fortitude of such partisan leaders of the South as Clarke, Cleveland, Twiggs, McIntosh, Pickens, Horry, Lacey, Hampton, Henderson, Sevier, Shelby, Ashe, Williams, McDowell, Screven, Elbert, Habersham, Jackson and White.

It was John Eagar Howard and the Maryland Line, acting with the Virginians of Colonel Washington, that carried the day at the Cowpens; just as it was John Laurens, of South Carolina, instead of Benjamin Franklin, who secured from France the

aid which made possible the final triumph at Yorktown: yet the same prejudice which exalts the Lexington skirmish and ignores the battle of Alamance so falsifies the record that most readers get the impression that the Southern colonies were supine while New England was bearing the brunt of the mighty struggle.

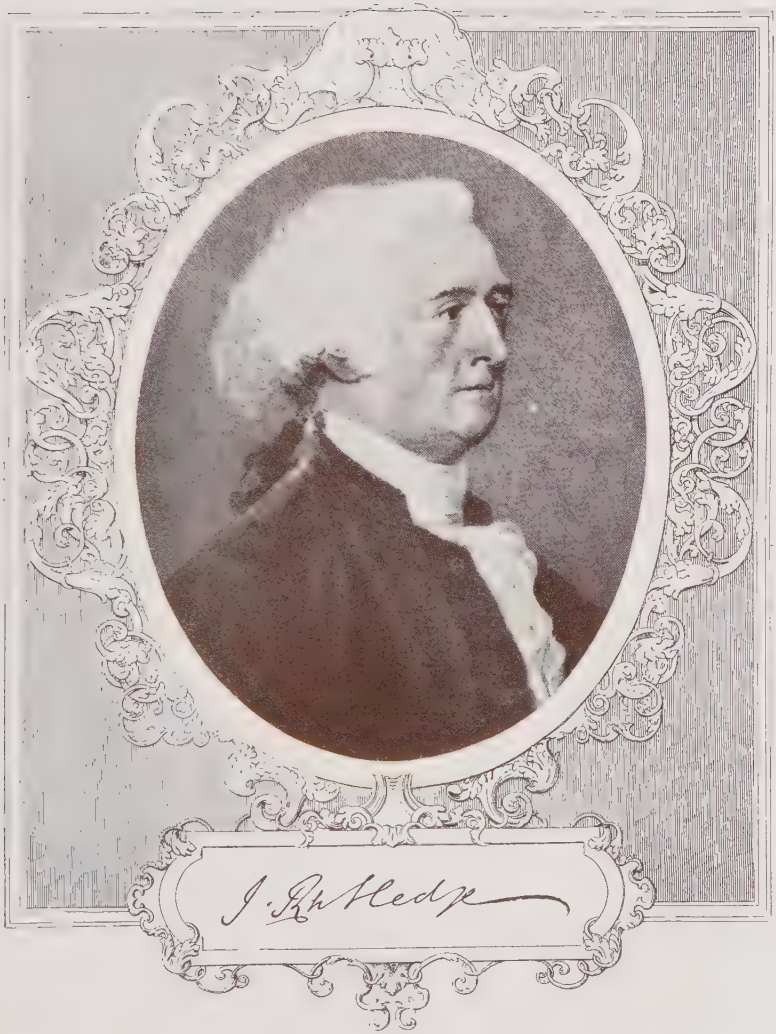
* * * * *

Southern oratory was, beyond all question, the immediate explosive that precipitated the Revolutionary War. Patrick Henry, Richard Henry Lee, Dabney Carr—these three were the fire-bells that startled the country into action. They not only inspired Virginia to action, but Carr and Lee put in motion the plan which organized the revolt throughout all the colonies.

Not far behind these in effective eloquence was John Rutledge of South Carolina.

In the adoption of the Federal Constitution of 1787, it was the Southern orator who again played a leading part. Without Virginia the new government could not have been organized, and it is practically certain that without the influence of the powerful and convincing eloquence of John Marshall and Edmund Randolph, the opposition to the new Constitution, led by Patrick Henry, would have been successful.

It is the fashion now to class John Randolph as a national freak, but certainly he was a very prince of orators, on the hustings and in Congress, else men would not have hung on his words for three hours at a stretch. His speeches owe more to intrinsic merit than do those of Henry Clay, and they must have exerted a decided influence over the public opinion of that period. Until his break with Jefferson, he was the leader of the majority in the House, and he ruled it by the terror of his tongue.


J. Rutledge

It was the eloquence of Clay and Calhoun that brought on the War of 1812. It was the persistent and fascinating oratory of Henry Clay that inaugurated and maintained a Protective System which far surpassed the plans of Alexander Hamilton. It was another Southern man, George McDuffie, who brought against the vicious, immoral and utterly undemocratic policy the most powerful arraignment ever heard in the American Congress.

It was the oratory of Rhett, Yancey and Toombs which caused the South to secede from the Union: yet it was the impassioned and overwhelming eloquence of Andrew Johnson and William G. Brownlow, Southern men, that did more to hold the border states and thus defeat secession than all other agencies combined.

The influence of such orators as L. Q. C. Lamar, Benjamin H. Hill and Henry Grady cannot be overestimated. Lamar's eulogy on Sumner was the sublime of the magnanimous, and it appealed to all that was best in the North. That heroic tribute to the dead foe of the South marked the beginning of a new era.

In Hill's celebrated debate with Blaine there was a brilliant fight, and then, on Hill's part, a plea for a discontinuance of such harmful displays of sectional hatred. Since that day, "bloody shirt" harangues have rarely been heard in Congress, or on the hustings. Public sentiment has condemned them. Men like the late Senator John J. Ingalls, who won fame because of his artistic skill in "skinning a rebel," suddenly awoke to the fact that a new and better feeling was abroad in the land. That Henry Grady deserved a vast deal of the credit for bringing about this change cannot be questioned. He was an orator of the highest order,—impassioned, creative, his gamut reaching all the way from laughter to

tears, from amused interest to the tension of the most exalted emotion—and his eloquence soothed with magic influence the angry waves of sectional hostility.

The Great Moral Victory of Calhoun.

Everybody has been made familiar with the Webster-Hayne Debate. "Webster's reply to Hayne" is synonymous with the climax of forensic triumph. Histories, biographies, memoirs, books of anecdote discover the fountains of eternal youth and inspiration in that famous discussion. Poor Mr. Hayne survives for the sole purpose of being exhibited as the man that Webster crushed. Indeed, the Northern "historians" evidence a certain tenderness for him —he played into the hands of "the god-like Daniel" so unconsciously and so well. "He could not have made a speech which fitted my notes better," remarked the appreciative, exultant "Expounder."

What the Northern writers are careful not to tell us about is the tremendous drubbing which Calhoun gave to Webster a few years later, when the same subject was being debated in the United States Senate. No man ever more thoroughly discomfited another. The great Senator from Massachusetts entered the arena with all the confidence which his victory over Hayne could inspire, but Calhoun's answer to him was so overwhelming, so unanswerable that Webster practically struck his colors. Afterwards, in his Capon Springs address, he manfully admitted that the Union *was* a compact,—that Hayne and Calhoun were right.

Calhoun's reply to Webster was made in the presence of an immense throng—as many people as could be crowded into the Senate Chamber and galleries. The great Carolinian, who had doubtless long smarted from the defeat of Hayne, his pupil, came

to the combat with a thoroughness of preparation and an intensity of feeling that made his speech the greatest of his life. It is said that as Calhoun proceeded from point to point, with the strides of a giant, Webster sat "in moody silence and with frowning brows."

"The eccentric John Randolph, then in feeble health, happened to be present during this debate. He sat near Mr. Calhoun when the latter was making his reply, but a hat standing on the seat before him, prevented him from seeing Mr. Webster. 'Take away that hat,' he exclaimed, 'I want to see Webster die, muscle by muscle.' "

It is true that Mr. Webster took the floor, explained how he had used the term "constitutional compact," and attempted to impair the force of some of Calhoun's arguments, but he made no effort to grapple with his adversary on the main issues of the debate.

We have been told, so often that we believe it, how Calhoun cowered before the enraged Andrew Jackson, and how he was "saved" by the magnanimous compromise of Henry Clay. We have been told, so often that we believe it, how Nullification failed, and how the threats of Jackson terrified South Carolina into submission.

There isn't a word of truth in these stories. Calhoun's bearing, throughout, was that of a fearless leader who believed that he was right; and South Carolina did not yield an inch until Henry Clay, the father of the protective system, had voluntarily changed the law, sacrificed the doctrine of protection, and adopted the tariff—for—revenue principle. In other words, Calhoun's eloquence, logic and courage won a magnificent victory over Clay, over Webster, and over Jackson! That victory opened the way for the Walker tariff, which was the best

we ever had, and led us to the era of general prosperity which blessed us in the forties and in the fifties. This episode in our national life is so little known, and this triumph of Calhoun's oratory, reasoning power and force of character so utterly unappreciated, that we quote a few of the burning passages of his masterly speech.

Mr. Clay, advocating his compromise measure expressly stated to the Senate that his purpose was "*to bring down that rate of duties to that revenue standard for which our opponents have so long contended.*"

Could a surrender be more clearly expressed?

To show to what extent Mr. Calhoun's attitude was that of a craven in this crisis, let us glance at the official record.

"Mr. Calhoun said he could not sit silent and permit such erroneous constructions to go forth. South Carolina had never contemplated violent resistance to the laws of the United States.

"Mr. Wilkins was at a loss to understand how any man could read the various acts of the state of South Carolina and not say that they must lead, necessarily lead, in their consequences, to violent measures. He understood the Senator from South Carolina [Mr. Calhoun] the other day as acknowledging that there was military array in South Carolina, but contending that it followed and did not precede the array of force by the United States.

"Mr. Calhoun said he admitted that there was military preparation, not array.

"Mr. Wilkins: If we examine the measures taken by the Administration, in reference to the present crisis, it would be found that they were not at all of that military character to justify the measures of South Carolina which it was alleged had followed them.

"*Mr. Calhoun said that South Carolina was undoubtedly preparing to resist force by force.* But let the United States withdraw her forces from its borders and lay this bill upon the table and her preparations would cease.

"Mr. Wilkins resumed: That is, sir, if we do not oppose any of her movements all will be right. If we fold our arms and exhibit a perfect indifference whether the laws of the Union are obeyed or not, all will be quiet.

"Mr. Calhoun: Who relies upon force in this controversy? I have insisted upon it that South Carolina relied altogether upon civil process, and that, *if the General Government resorts to force,*

then only will South Carolina rely upon force. If force be introduced by either party, upon that party will fall the responsibility.

"MR. WILKINS: The General Government will not appeal, in the first instance, to force. It will appeal to the patriotism of South Carolina—to that magnanimity of which she boasts so much.

"MR. CALHOUN: I am sorry that South Carolina cannot appeal to the sense of justice of the General Government."

This does not sound much like the language of a man who was flinching. Andrew Jackson himself could not have spoken more boldly. It was this very attitude of locked horns—Jackson and Calhoun equally determined to fight—that forced the hand of Henry Clay, and caused him to sacrifice his legislative hobby to prevent civil war.

Said Mr. Calhoun, in part, discussing the "Force Bill":

" * * * It has been said that the bill declares war against South Carolina. No. It decrees a massacre of her citizens! War has something ennobling about it, and, with all its horrors, brings into action the highest qualities, intellectual and moral. It was, perhaps, in the order of Providence that it should be permitted for that very purpose. But this bill declares no war, except, indeed, it be that which savages wage—a war, not against the community, but the citizens of whom that community is composed. But I regard it as worse than *savage* warfare—as an attempt to take away life under the color of law, without the trial by jury, or any other safeguard which the constitution has thrown around the life of the citizen! It authorizes the President, or even his deputies, when they may suppose the law to be violated, without the intervention of a court or jury, to kill without mercy or discrimination!

"It has been said by the Senator from Tennessee [Mr. Grundy] to be a measure of peace! Yes; such peace as the wolf gives to the lamb, the kite to the dove! Such peace as Russia gives to Poland, or death to its victim! A peace by extinguishing the political existence of the state, by awing her into an abandonment of the exercise of every power which constitutes her a sovereign community. *It is to South Carolina a question of self-preservation; and I proclaim it that, should this bill pass, and an attempt be made to enforce it, it will be resisted, at every hazard—even that of death itself. Death is not the greatest calamity; there are others still more terrible to the free and brave, and among them may be placed the loss of liberty and honor.* There are thousands of her brave sons who, if need be, are prepared cheerfully to lay down their lives in defense of the state, and the great principles of constitutional liberty

for which she is contending. God forbid that this should become a necessity! It never can be, unless this government is resolved to bring the question to extremity, when her gallant sons will stand prepared to perform the last duty—to die nobly.

"It is said that the bill ought to pass, because the law must be enforced. The law must be enforced! The imperial edict must be executed! It is under such sophistry, couched in general terms, without looking to the limitations which must ever exist in the practical exercise of power, that the most cruel and despotic acts ever have been covered. It was such sophistry as this that cast Daniel into the lion's den, and the three innocents into the fiery furnace. Under the same sophistry the bloody edicts of Nero and Caligula were executed. The law must be enforced. Yes, the act imposing the 'tea tax must be executed.' This was the very argument which impelled Lord North and his administration to that mad career which forever separated us from the British crown. Under a similar sophistry, 'that religion must be protected,' how many massacres have been perpetrated, and how many martyrs have been tied to the stake? *What! acting on this vague abstraction, are you prepared to enforce a law without considering whether it be just or unjust, constitutional or unconstitutional? Will you collect money when it is acknowledged that it is not wanted? He who earns the money, who digs it from the earth with the sweat of his brow, has a just title to it against the universe. No one has a right to touch it without his consent, except his government, and this only to the extent of its legitimate wants; to take more is robbery, and you propose by this bill to enforce robbery by murder.* Yes; to this result you must come, by this miserable sophistry, this vague abstraction of enforcing the law, without a regard to the fact whether the law be just or unjust, constitutional or unconstitutional.

"In the same spirit, we are told that the Union must be preserved, without regard to the means. And how is it proposed to preserve the Union? By force! Does any man in his senses believe that this beautiful structure—this harmonious aggregate of states, produced by the joint consent of all—can be preserved by force? Its very introduction will be certain destruction to this Federal Union. No; no. You cannot keep the states united in their constitutional and Federal bonds by force. *Force may, indeed, hold the parts together, but such union would be the bond between master and slave—a union of exaction on one side and of unqualified obedience on the other.* That *obedience* which, we are told by the Senator from Pennsylvania [Mr. Wilkins] is the Union! Yes; exaction on the side of the master; for this very bill is intended to collect what can be no longer called taxes—the voluntary contribution of a free people—but tribute—tribute to be collected under the mouths of the cannon! Your custom-house is already transferred to a garrison, and that garrison with its batteries turned, not against the enemy of your country, but on subjects (I will not say citizens) on whom you propose to levy contributions. Has reason fled from our borders?

Have we ceased to reflect? It is madness to suppose that the Union can be preserved by force. *I tell you plainly that the bill, should it pass, cannot be enforced.* It will prove only a blot upon your statute book, a reproach to the year, and a disgrace to the American Senate. *I repeat, it will not be executed.* * * *

"I consider the bill as far worse, and more dangerous to liberty, than the tariff. It has been most wantonly passed, when its avowed object no longer justified it. I consider it as chains forged and fitted to the limbs of the states, and hung up to be used when occasion may require. We are told in order to justify the passage of this fatal measure that it was necessary to present the olive branch with one hand and the sword with the other. *We scorn the alternative. You have no right to present the sword. The constitution never put the instrument in your hands to be employed against a state; and as to the olive branch, whether we receive it or not will not depend on your menace but on our own estimate of what is due to ourselves and the rest of the community in reference to the difficult subject on which we have taken issue.*"

Considering all the circumstances, John C. Calhoun's complete victory over Webster, Clay and Jackson is the most dramatic event in our parliamentary history. But for the Abolition fanatics, the Southern fire-eaters and the War of Secession, the people would have come to realize how greatly they were benefited by Calhoun's fearless course, and his name would have been held from age to age in reverence and gratitude.

In Oliver Dyer's *Great Senators* is a brief sketch which gives such a graphic description of Henry Clay's manner and mastery as an orator that I quote it entire:

"When Clay retired from the Senate in 1842, it was known that he did so because, on account of the betrayal of the Whig party by John Tyler on his accidental accession to the Presidency, Clay found *himself* in a minority in the Senate, although the Whigs had a majority there. The Tyler Whigs, following the pap spoon and uniting with the Democrats, defeated Clay's efforts to get Whig measures through Congress. As Benton graphically said, by a singular process of political filtration Clay's influence was dissipated until he found himself a dreg in the party of which for years he had been the conspicuous leader. Clay's proud spirit could not brook such humiliation, and so he resigned his seat in the Senate. And as soon as he resigned he was missed, and the masses of the Whig party

began to mutter ominously. They wanted their old leader back in his rightful place. Besides, Clay was poor—poor notwithstanding his thirty-five years of public service; for he was not one of those statesmen who, on a five-thousand dollar salary, manage to lay up two hundred and fifty thousand dollars per annum. He went home to Lexington (Ky.), hired a little office and resumed the practice of the law for the purpose of earning his daily bread. Such a spectacle as that moved the heart of the nation. The rank and file of the Whig party began to clamor for Henry Clay's nomination for the presidency in 1844. This alarmed the Democrats and Clay's personal enemies, and excited the jealousy of his rivals in his own party. It was felt by all those people that Henry Clay must be killed off; and for the purpose of killing him off a concerted system of attack was devised. Streams of detraction were poured upon him from all parts of the country; and this course was persisted in until the defamation became unendurable. In 1843 Clay announced that on a certain day he would meet his fellow-citizens face to face at Lexington, and reply to his defamers. On the day appointed a vast concourse assembled at Lexington from the surrounding country. I hope the reader will try to summon up a mental picture of the scene, so that he may enjoy the felicitousness of the orator's opening sentences. There the venerable chieftain was, in his own home, and before him were aged men who had begun their career in that region when he began his. And there were the children and grandchildren of his old comrades who all their lives had heard eulogiums upon Henry Clay; and there were thousands of his fellow citizens from near and far who were ready to do battle for him. And they were all Kentuckians—hunters of Kentucky, familiar with the forest and the chase. As the aged orator arose and stood before them there was the solemn hush of a great silence. With his tall form feebly bent he began:

"'I am an old man—quite an old man; but' (and here he straightened himself up and his eyes flashed) 'it will be found that I am not too old to vindicate my principles, to stand by my friends, and to defend myself. It so happens that I have again located myself, in the practice of my profession, in an office within a few rods of the one which I occupied when, more than forty years ago, I first came among you, an orphan and a stranger, and your fathers took me by the hand and made me what I am. I feel like an old stag, which has long been coursed by the hunters and the hounds through brakes and briars, and o'er distant plains, and has at last returned to his ancient lair to lay himself down and die. And yet the vile curs of party are barking at my heels, and the blood-hounds of personal malignity are aiming at my throat. *I scorn and defy them as I ever did!*'

"By this time the hearts of that great multitude were on fire, and

'At once there rose so wild a yell,
* * * * * *
As all the fiends from heaven that fell
Had pealed the banner-cry of hell!'

"Cries and sobs and shouts hurtled in the air, and there was a fierce looking around for enemies of Henry Clay; but, fortunately, none of his enemies were visible to the naked eye, and so nobody was lynched. But when silence and calmness were restored, the old man 'rose to the occasion,' and in a speech of impassioned eloquence, lasting for hours and ranging over his whole public life, he vindicated his principles, he stood by his friends, he defended himself. It was a long-continued *storm* of eloquence which rolled over the savannahs of the South and the prairies of the West, burst through the Alleghanies, swept along the Atlantic seaboard, thundered across the Middle States, broke on the granite hills of New Hampshire, reverberated through New England, and at Baltimore, in '44, gave Henry Clay the Whig nomination to the presidency by acclamation, without formality of a ballot."

The great fight of Thomas H. Benton against the national bank, its final phase being the famous Expunging Resolution, deserves a chapter to itself, but we have not the room for it; nor for the dramatic tilt between John Randolph and George McDuffie; nor for Henry Clay's attack on Jackson's Seminole War proceedings and Poindexter's triumphant defense; nor for the brilliant displays of John Forsyth, Benjamin Watkins Leigh, Felix Grundy, Hugh Legaré, Henry A. Wise, Seargent S. Prentiss, Henry S. Foote, William H. Crawford, William Pinkney and Andrew Johnson.

Lack of space shuts out descriptions of the stormy scenes in Congress when Toombs and Stephens, Yancey and Rhett, Wigfall and Soulé and Jefferson Davis were leading orators from the South. For the same reason, we must omit the stirring debates in which Lamar and Hill and Morgan and George and Vest and Vance and Breckinridge and Felton were worthy of the best traditions of Dixie.

In his *War between the States* Mr. Stephens says of a certain speech of Robert Toombs, that it created the greatest excitement and commotion that he ever witnessed during his long career in Congress. In private conversation, Mr. Stephens would add,

"If ever the pillars of that temple shook to their foundations it was when Toombs made that speech."

Some Northern member, in perplexity turned to William H. Seward and asked, "What is the answer to that argument of Toombs?" and Seward replied, "There is no answer."

The compliment could not have been more emphatic, and it was deserved, for Toombs was the most leonine of all our great orators.

THOS. E. WATSON,
Author of Life of Thomas Jefferson, etc.

CHAPTER VII.

THE ORATORY OF THE BENCH AND BAR OF THE SOUTH.

WHEN DeTocqueville was making his profound study of Democracy in America, he was impressed by the fact that in all the cities, the men of mercantile life, and the men of the legal profession, constitute an aristocracy. The lawyers and the merchants were, to some extent, the nobility of that day, and, to some extent, of our own day, but, so far as the lawyers are concerned, it is to their credit that they have generally been the leaders in the great movements for popular rights, and that they never have demanded any exclusive legislation in favor of their own caste.

John Bright, in one of his noble speeches, remarks upon the fact that when one looks back and studies the record of the ages he realizes that "the church has been uniformly hostile to the progress of public liberty." That the mercantile class has uniformly demanded that the vast powers of government be exercised in its behalf, is no less an established fact; but wherever one makes a study of the progress of liberty, in ancient or modern times, and looks for the leader, he generally finds some great lawyer who has dropped the narrow selfishness of his profession and made all humanity his client. It was so at Athens, it was so in Rome, it was so in France, it was so in England, it was so in Ireland, it was so in North America.

Almost without a single exception, The Fathers of 1776, who put in motion the ball of the Revolu-

tion, and who never ceased their labors until the Constitution of 1787 was an accomplished fact, were lawyers. Dr. Draper in his *Intellectual Development of Europe,* in speaking of the professions of law and of medicine, says:

"It is to the honor of both of these professions that they never sought a perpetuity of power by schemes of vast organization; never attempted to delude mankind to stupendous impostures; never compelled them to desist from the expression of their thoughts, or even from thinking, by alliances with civil power. Far from being the determined antagonists of human knowledge, they uniformly fostered it, and, in its trials, defended it. The lawyers were hated because they replaced supernatural logic by philosophical logic; the physicians because they broke down the profitable but mendacious system of miracle-cures by relics and at shrines."

The Revolutionary leaders of the North were lawyers,—James Otis, John Adams, Alexander Hamilton, John Dickinson—and when we come across Mason's and Dixon's line, we find the same thing to be true. Those leaders who lifted the standard of revolt against England, almost without exception, laid down their law books to take up the cause of liberty.

Therefore, it is historically accurate to say that, *in the making of the nation,* the Southern lawyer has been one of the most efficient and consecrated workmen.

This chapter, however, does not concern itself with the achievements of the lawyer in the fields of statesmanship. We are dealing with the lawyer in his capacity as a practitioner of his profession. We are to deal with him and his work not on the hustings, nor in the Senate, but in the Court House. As a master of his craft, the Southern lawyer is the peer of any counsel that ever appeared in Westminister Hall, and it has so happened that the great cases in which he appeared and exercised his power

have had a decisive influence upon the course of events in this republic.

In order that the reader may comprehend this, and have an intelligent conception of the extent to which the Bench and Bar of the South have contributed to the nation's greatness, we must resort to historical illustration, beginning with Patrick Henry when he "plead against the Parsons."

Let us understand the Parsons' Cause. Money being scarce, tobacco had become in the colony a medium for payment of private and public dues. If casualty diminished the supply of tobacco there would be corresponding rise in its price, to the loss of the debtor and the gain of the creditor. In 1755, so great a rise followed a drought that debts could not be paid in kind, whereupon the House of Burgesses passed an act that debtors be allowed to discharge their obligations by paying a sum of money equal to the value of the tobacco before the rise; and the justice of the measure was so obvious that creditors generally refrained from calling it in question. But the salaries of the clergy having been fixed in tobacco by a former act that had received the king's consent, some of them induced him to disapprove the act of 1755, and they collected all the tobacco prescribed. In September, 1758, a short crop being threatened, another act like that of 1755 was passed. Tyler, in his life of Henry, probably because of bias as a clergyman, treats this act as if it affected only the salaries of the clergy, when in fact it applied to all creditors, and he does not mention that it was only some of the clergy that challenged its validity. In consequence of their exertions it was disapproved by the king, and some actions given by the salary act were brought. One of the plaintiffs was James Maury, who refusing to accept £144, paid as his due under the act of 1758,

in satisfaction of his claim, the whole of which amounted to about three times the payment just mentioned, sued the parish collectors and the sureties in their official bond. The only plea of the defendants was that the payment mentioned satisfied the plaintiff in full, by reason of the provision in the act of 1758. The court ruled the plea bad on demurrer, holding that the act was void, whereupon Lewis, a veteran lawyer, the counsel of the defendants, advising that further litigation would be useless, retired from the case. But the defendants, encouraged by almost the entire community, employed Henry to represent them when the jury was to assess the damages. Under the law, as usually administered, there was nothing for the jury to do except find a verdict against the defendants for the unpaid balance of his claim. To-day in such a case, with like evidence, argument would not be allowed, and the jury would be instructed to find this balance for the plaintiff. But, under the lax practice of that court, counsel for plaintiff argued to the jury what was for the court, perorating by warmly eulogizing the clergy for their benevolence. This invited Henry to give the jury his reply. Those who catch the spirit of the colony at that time, of which he was the truest exponent, can easily clothe the extant skeleton of his speech with live flesh and blood. He attacked the king and clergy for opposing the righteous act of 1758, contending that the former had become a tyrant, forfeiting right to obedience, and the latter had so wickedly thwarted the great ends of an established church that their appointments could be rightfully revoked; and his eloquent refutation of the claim made for their benevolence provoked a demonstration that frightened the parsons out of the courtroom.

This is the most wonder-working speech in foren-

sic annals. As Henry conceded there should be a nominal finding for the plaintiff the verdict was for only one penny damages; and the motion at once made for a new trial was at once overruled by the same court that in the same case had a few weeks before adjudged the act of 1758, set up as the only defence, to be no law.

The passage of the act of 1758 in defiance of royal disapproval—to go no further back; the stubborn resistance against the claim of the clergy after the act had been annulled, and colonial courts had ruled it to be unconstitutional; Henry's unhesitating maintenance of the validity of the act; the verdict slapping the king in the face by enforcing the act; the sanction of the verdict by the court notwithstanding a recent counter decision at the instance of the plaintiff; the tumultuous rejoicings of the people, and the congratulations they there showered upon their advocate; neither the clergy nor the king ever attacking the act afterwards—each one of these things was a detail of preparation by providence for American independence. Tyler goes far astray when he paints the act of 1758—to use his language—"in all its fresh and unadorned rascality." That act and its sequel are to be tested not by principles regnant in the piping times of peace, but by those regnant in the incipiency of revolutions. Our forefathers fighting at Lexington, Concord and Bunker Hill, before independence was declared, were according to the letter of the law traitors and rebels, deserving capital punishment. Lincoln trampled constitution and law under foot when he made the Emancipation Proclamation. If we justify the battles just mentioned, and the proclamation, as we have long since learned to do, we must likewise justify what was done by legislation and verdict to the Parsons; it was intended by fate to reveal and crown

Patrick Henry as the invincible orator apostle of civil and religious liberty on this continent.

Of all the lawyers that have stamped their impress upon American institutions, John Marshall, of Virginia, takes precedence. It is doubtful if a better "legal head" than his ever surmounted human shoulders. Pure as crystal in his morals, he was by nature an intense partisan, and the full strength of his intellect and character enabled him, as Chief Justice of the United States, to exert more influence over the destines of the Republic than all the Presidents who have ever occupied the executive chair. It was he who first arrogated to the Supreme Court of the United States the revolutionary power to set aside acts of Congress and to make himself the final arbiter of the law of the land. It was he who seized the dogma of implied powers, and by his interpretation of that usurped power, turned our confederated republic into a centralized nationality. It was he who, in the Dartmouth College case, made a decision in favor of the inviolability of charters, which *put the artificial person upon a higher plane than the natural person,* and thereby laid the foundation upon which *corporations have built the empire of the trusts.* That the principles of Hamilton and Webster are now in the ascendant, while those of Jefferson and Jackson are prostrate, is due, not to the powerful arguments of either Webster or Hamilton, but to the decisions which this great Southern lawyer, John Marshall, made during the two score years that he presided over the highest Court.

Students of political history will remember that Mr. Jefferson went into office with a determination to check the encroachment of the Federal Judiciary. John Adams, in hurrying out, had exercised his appointive power late into the night preceding the first day of Jefferson's term. Indeed, the story goes,

that it was Levy Lincoln, one of Mr. Jefferson's cabinet officers, who walked into the office of John Marshall, Adams' secretary of state, and drawing his watch stated that it was twelve o'clock and that the Adams men must vacate. They were even then signing up additional commissions for Adams's appointees.

In pursuance of his plan, Mr. Jefferson secured the abolition of the sixteen Federal judgeships which had been recently created. He then set in motion the clumsy machinery of impeachment to get rid of the most offensive of the Federal judges, and to intimidate the remainder. It will be remembered that Judge Pickering, of Massachusetts, was successfully arraigned and was removed from office. The next prosecution was launched at Judge Chase, of Maryland. His conduct upon the bench had been extremely partisan. He had indulged in political harangues and had made a vicious attack in his charge to the grand jury at Baltimore on the laws which it was his sworn duty to administer. Assailing Acts of Congress, which had been passed under Mr. Jefferson, he had said:

"The late alteration of the Federal Judiciary by the abolition of the offices of the sixteen Circuit Judges, and the recent change in our State Constitution by the establishment of universal suffrage, and the further alteration that is contemplated in our State judiciary, if adopted, will, in my judgment, take away all security in property and personal liberty. The independence of the national judiciary is already shaken to its foundations, and the virtue of the people alone cannot restore it."

This was certainly very outrageous language. Judge Chase, upon the one hand, assailed popular legislation in his own state, and, on the other, national legislation in the United States. The animus of his attack is disclosed by the following sentence,

which was aimed at Mr. Jefferson and at the basic Democratic principle:

> "The modern doctrine by a late reformer that all men in a state of society are entitled to enjoy equal liberty and equal rights has brought this mighty mischief upon us, and I feel that it will rapidly progress until peace and order, freedom and property shall be destroyed."

Now it must be apparent that if the prosecution against Judge Chase had been deftly and strongly managed, his escape would have been an impossibility. His conduct reveals a lack of fitness for a judicial position, and his own charge to the grand jury, laid before any impartial body of judges, would have certainly brought upon his head a severe rebuke, if not a removal from office. Unfortunately, however, the impeachment of Judge Chase was left to the management of John Randolph, of Roanoke. If Congress had been carefully sifted for the purpose of selecting the man most unsuited to the management of any kind of legal proceeding, a better choice than John Randolph could not have been made. Wonderfully brilliant, possessed of an immense fund of general information, he had never disciplined his faculties in any way; had never studied law, not even as a literature; had no patience and no self-control, and not much capacity for sustained labor of any kind; consequently, the prosecution of Judge Chase was fearfully handicapped.

But the triumph of Judge Chase, and the mortification and defeat of Mr. Jefferson's administration were made the more complete and irremediable because of the fact that the defense was put in charge of Luther Martin, of Maryland. This man was at once the glory and the shame of the Maryland bar. Indeed, it is a singular thing that one should be gifted with such legal mind as that of Luther Mar-

tin and be so unsatisfactory a human being in almost every other respect. Slovenly in his dress, swinish in his appetites, untrustworthy in his character, he was a king of the court house. He seemed to have read everything, and to have digested all that he had read. He might eat like a glutton, drink like a drunkard, fill himself with the most incongruous food and drink and go to bed late at night, stupidly intoxicated, to sleep a sodden sleep which, in any other man, would have been followed by a befogged brain and mental paralysis; but when his case was called in court next morning, there he was, fresh as a daisy, ready with every fact, ready with every authority, ready with every argument, until his opponents would be overwhelmed, and the presiding judge fatigued, perhaps, but convinced.

Two very great victories did Luther Martin win in his professional career, and they had their influence upon the course of national events, and both of these victories were gained over Mr. Jefferson. In the impeachment of Judge Chase, Martin's superiority in the arena over John Randolph was so great that the oratory of Randolph was reduced to pitiful straits of helplessness and distress. His own words are sufficient to indicate his deep sense of mortification at his failure, for he said, toward the conclusion of his argument for the prosecution, "My weakness and want of ability prevent me from urging my cause as I could wish, but it is the last day of my suffering and of yours."

This is bad enough, in all conscience, and we can but hope that it was not quite so bad as the malicious John Quincy Adams reports in that malicious diary of his:

"On the reopening of the court, he [Randolph] began a speech of about two hours and a half with as little relation to the subject-matter as possible—without order, connection or argument; con-

sisting altogether of the most hackneyed commonplaces of popular declamation, mingled up with panegyrics and invectives upon persons, with a few well-expressed ideas, a few striking figures, much distortion of face and contortion of body, tears, groans and sobs, with occasional pauses for recollection, and continual complaints of having lost his notes."

The victory of Luther Martin discouraged Jefferson's campaign to curb them.

The other celebrated case in which Luther Martin gained a signal triumph was in the trial of Aaron Burr for treason at Richmond. Here he had a powerful, if unconscious, aid in the presiding judge, Chief Justice John Marshall. The forces of the administration were all arrayed against Burr, and Jefferson's heart was set upon his conviction, but Luther Martin was so able, so defiant and so completely the master of the situation that Burr easily escaped, and Jefferson was left to gnash his teeth in impotent rage at the Federal bull-dog, Luther Martin.

Those familiar with the biography of Aaron Burr will remember that after the Maryland lawyer had run his brilliant course, his sun was setting amid dismal clouds, and that in his poverty, his infirmity, and his old age, he crept to the hearth of Aaron Burr for a place to spend his last days, and met the welcome which gave him comfort to the last.

William Pinkney (1764-1822), deserves mention next. He was the opposite of Patrick Henry. The latter was democratic, while the other was haughty, in manners. Patrick Henry was plain in his dress, caring nothing for appearances; Pinkney, as Mathews says, "changed his toilet twice a day, and was always elaborately dressed, without regard to fashion, in the style which he deemed best fitted to show off his fine person. His nicely brushed blue coat, white waistcoat and gold buttons, snowy-white linen, gold studs * * * suggested a Brummel or

a Beau Nash rather than the giant of the American bar." Henry meditated carefully fundamental heads and proposition, he trusted greatly—we think, wholly—to the prompting of the moment for consecutiveness and language; of Pinkney, Benton says, "His speeches, both senatorial and forensic, were fully studied and laboriously prepared—all the argumentative parts carefully digested under appropriate heads, and the showy passages often fully written out and committed to memory." Tristram Shandy, the English bible, and Livy read over every year in a translation, were all of Henry's literary favorites, so far as we know, and his familiarity with law authors was hardly a modicum; Pinkney was a profound lawyer both in learning, and grasp of the principles that lead the consciences and hearts of judges with a power greater by far than that of precedent, and he was a never-tiring student of all the humanities from which his speeches could derive adornment. In short, Pinkney made himself by unremitted toil—for example, he did not familiarize himself with the classics until rather late in life; and the learning, arguments, illustrations, ornament of every sort, and appeals to feeling, in what seemed his spontaneous flow, were cut and dried, while the same in Patrick Henry's speeches were the genial improvisation of the moment.

The typical forensic orator exhibits his most peculiar power in swaying juries, while now and then he is splendidly eloquent when discussing a question of law, as Erskine was in his argument before the unattending Mansfield on the rights of juries. But Pinkney was without that every-day fascination of juries that was the gift of the fairies to Erskine, Choate, Lumpkin, Prentiss, and some few others who have flourished in each one of our states. His for-

ensic oratory won its most famous victories in convincing or persuading judges. When I read the contemporaneous testimonials to his soaring speech and its magical effect upon courts, I try in vain to find him a prototype, by inventing a foremost Roman jurisconsult, arguing cases turning on law-points as eloquently as Cicero's jury speeches for Roscius and Milo now read to us.

But though he was without the impromptu faculty of the born orator, he had a gift of *ex tempore* ornate declamation which was prodigiously effective in driving home cardinal positions of his laboriously premeditated speeches. Wheaton, his biographer, who had heard him often, says:

"Some portions of Mr. Pinkney's speeches, which were begun to be written out by himself with the intention of publishing them, will be found, perhaps, to be somewhat too elaborated, and to bear the marks of studied ornament and excessive polish; but the editor is enabled to assert, from his own recollection, that whilst they have certainly lost in freshness and vigor by this process, in no instance have these more striking passages been improved in splendor of diction and richness of ornament."

Patrick Henry plainly loved the hustings and the legislative council better than he did the bar, but Pinkney, although he made what is, perhaps, to be ranked as the most eloquent speech ever delivered in the United States senate, stuck to the law as his best love. We quote Wheaton again:

"His profession was the engrossing pursuit of his life; and beyond that his talents shone most conspicuously in those senatorial discussions which fall within the province of the constitutional lawyer. In the various questions relating to the interpretation of the national constitution which have been recently discussed in the Supreme Court, it may be said, it is hoped without irreverence, that Mr. Pinkney's learning and powers of reasoning have very much contributed to enlighten and fix its judgments. In the discussion of that class of causes, especially, which, to use his own expressions, 'presented the proud spectacle of a peaceful judicial review of the conflicting sovereign claims of the government of the Union and the particular States by this more than Ampictyonic council'—his argu-

ments were characterized by a fervor, earnestness, gravity, eloquence and force of reasoning, which convinced all who heard him that he delivered his own sentiments as a citizen, and was not merely solicitous to discharge his duty as an advocate. He exerted an intellectual vigor proportioned to the magnitude of the occasion. He saw in it 'a pledge of the immortality of the Union—of a perpetuity of national strength and glory, increasing and brightening with age—of concord at home and reputation abroad.'"

The famed orators of antiquity, and many modern ones—Burke, Erskine, Webster, not to mention others—habitually gave the public reports of their speeches, which they diligently corrected and polished after delivery. But as Benton says: "He loved the admiration of the crowded gallery—the trumpet-tongued fame that went forth from the forum—the victory which crowned the effort; but he avoided the publication of what was received with much applause, giving as a reason that the published speech would not sustain the renown of the delivered one." Could his magnificent build and port, his moving voice, with its ever appropriate modulation, and his other perfections of histrionic art, together with the faces of the raptly listening judges and the admiring looks of the throng, during delivery and the ardent congratulations of client and friends just afterwards, have been inseparably added I think he would have been of a different mind. He would hardly have permitted, if he could, report by such phonographs as we now have, for the records would have omitted all the accessories that he set store by except his utterance.

But though he has left no adequate examples of his eloquence, and though he was no great jury advocate, he has been, I believe, mainly because of his eminence in the bar of the United States supreme court—the very proudest place that an American lawyer, as such, has ever attained—the most potent

ideal of all to Americans essaying forensic eloquence.

It is unsurpassable compliment to his influence that next to Cicero he was probably the greatest instructor of Choate.

William Wirt (1772-1834) is the next in order. He is not to be ranked with the other two. To them he stands much like Addison, in his easy, elegant, chastely adorned, and adequately communicative prose, stands to the greater masters, such as Jeremy Taylor and Milton. While Addison has found a hundred imitators to every one found by either of the other two, he has not inspired a few, here and there, to soar on eagles' wings, as they have done. Wirt has had a far greater number of pupils than either Henry or Pinkney, but they are below those of the latter in the highest style of eloquence.

In the times when the War of Secession had not yet made the people subconsciously aware of its coming, and boys were permitted to make their own choice from the speechbook of what they were to declaim to the school or at public examinations these three selections appeared to be the favorites: that beginning "Mr. President, it is natural for man to indulge in the illusions of hope;" that beginning "Sink or swim, live or die;" and that from Wirt, describing Blannerhassett. This last occurs in a speech made in 1807; and its long subsequent vogue evidences the attractiveness of his style to young American forensic advocates. The speech well exemplifies what John Q. Adams praised in Wirt, "ease and rapidity of elocution, copious without redundance, and select without affectation."

Wirt was as averse to speaking without careful preparation as even Pinkney was. His biographer believes that he never wrote out a speech before its delivery; and he tells that in each written out after-

wards many of the graces of the original were not reproduced, which reminds of what Wheaton tells of Pinkney's failure when attempting to report parts of his efforts.

Kennedy has been so happy and true in his characterization that we give it here:

"His manner in speaking was singularly attractive. His manly form, his intellectual countenance and musical voice, set off by a rare gracefulness of gesture, won, in advance, the favor of his auditory. He was calm, deliberate and distinct in his enunciation, not often rising into any high exhibition of passion and never sinking into tameness. His key was that of earnest and animated argument, frequently alternated with that of a playful and sprightly humor. His language was neat, well chosen, and uttered without impediment or slovenly repetition. The tones of his voice, played with a natural skill, through the various cadences appropriate to express the fitting emotions of his mind and the changes of his thought. To these external properties of his elocution we may ascribe the pleasure which persons of all conditions found in listening to him. Women often crowded the court-room to hear him, and often astonished him, not only by the patience, but the visible enjoyment with which they were wont to sit out his argument to the end—even when the topic was too dry to interest them or too abstract for them to understand his discourse. It was the charm of manner, of which the delicate tact of woman is ever found to be the truest gauge and the truest judge. His oratory was not of that strong, bold and impetuous nature which is often the chief characteristic of the highest eloquence, and which is said to sway the Senate with absolute dominion and to imprison or set free the storm of human passion, in the multitude, according to the speaker's will. It was smooth, polished, scholar-like, sparkling with pleasant fancies and beguiling the listener by its varied graces, out of all note or consciousness of time. * * * Without claiming for Mr. Wirt renown of the most powerful orator or the profoundest lawyer in the country, it is sufficient praise to say that he stood beside the first men of his day, equal in rank and repute, and superior to most, if not all, in the various accomplishments which he brought to the adornment of his profession."

But even if he was only in the second rank he won so worthy a fame therein that he merits this encomium which John Q. Adams pronounced in the House of Representatives when speaking memorially just after his death:

"Mr. Wirt had never been a member of either house of Congress. But if his form in marble, or his portrait upon canvass, were placed

within these walls, a suitable inscription for it would be that of the statue of Moliere in the Hall of the French Academy: 'Nothing was wanting to *his* glory, *he* was wanting to ours.'"

Seargent S. Prentiss (1808-1850) ends the series which I think fairly represents and illustrates the genius, and theatre, preparation for speaking and the style at last attained, with the remaining distinctive peculiarities of the different Southern forensic orators. He has not been of influence as example approaching that of even the least great of the other three; he is to be contemplated as a master of eloquence which in its rareness and height has not been, and perhaps cannot be, matched by even the most gifted.

He did not have the wide and profound culture, the exemplary life-long self-education and self-discipline, nor the incessant industry of preparation, which raised Choate to the head of his class, nor the chaste and almost perfect diction of Erskine—these two seem to have become the highest ideals of forensic speech to our lawyers—but he was superior to either of these in improvising with high and befitting expression whatever was needed to convince or persuade. In off-hand readiness, not merely of right proposition, illuminating metaphor, true analysis and characterization, and illustrative topics best smoothing his way, but also in continuous speech that was to his arbiters resistless reason and commanding eloquence at the same time, he was the equal of Patrick Henry. He could never have equaled what Henry did in the Parsons' Cause, for the reason that he was without the latter's divine gift of political leadership and deep longing for a really free religion; but if he were granted these two additions, the same case in the same environment, I believe that his achievement would rival that of the other.

Patrick Henry, as his life shows, was destined for public oratory, for which, as has occurred in many other Americans, a forensic beginning was preparation; Prentiss shows that although he won high place in his brief season of political activity, he was really made for courts of law and equity, and for every side of each, and that his experience as a public speaker increased his capacity for forensic argument. That Shields tells Prentiss's exploits at the hustings, in Congress, and on the platform, so fully, and his exploits at the bar so meagerly, is a serious fault of his valuable book.

From Foote's Bench and Bar of the Southwest we take the following:

"I chanced to be enlisted in the defense both of Phelps and Byrd, and had, therefore, a most favorable opportunity of appreciating the power displayed on the part of the prosecution. Alonzo Phelps was a native of New England. According to his own account of himself he had, in a fit of jealousy, slain a rival lover in his native vicinage, secreted the body of his victim in a neighboring mill-pond and fled to the valley of the Mississippi. He had here been a wanderer for many years, seldom entering any human habitation, and subsisting meanwhile altogether upon the raw meat of squirrels and other wild animals which he had captured in the chase. He had long infested the banks of the Mississippi; had committed eight murders and more than sixty robberies, and had some dozen times broken jail and evaded the punishment of the law. Strange to say, he was a ripe and accurate scholar, and when taken prisoner, a few weeks subsequent to the perpetration of his last murder, had, as I personally know, a much-worn pocket-copy of Horace in his possession, which he was able to read with much more facility than our ordinary college graduates would be likely to evince, and with a far keener relish for the quiet and unpretending beauties of the poetic friend and protegee of the great Mecænas than Lord Byron reports himself to have at any time felt. The trial of Phelps had attracted to the Vicksburg court-house a vast assemblage of excited citizens. Judge Montgomery, an able and learned functionary, who, I am glad to know, is still living, presided on the occasion. I was aided in the defense of the prisoner by two very accomplished and able gentlemen, John Gildart, Esq., of Woodville, and Mr. Pelton, then a resident of Natchez, but now a wealthy sugar planter of Louisiana, and a most worthy and interesting person. General Felix Huston and several other attorneys of rank coöperated with Mr. Prentiss and the district attorney in furtherance of the prosecution. The speech delivered by Mr.

Prentiss would have enhanced the fame of an Erskine, a McIntosh or a Curran. His delineation of the character of the accused was, indeed, most masterly, in the course of which he bestowed upon him the imperishable cognomen of 'The Rob Roy of the Mississippi,' in allusion to his having habitually, year after year, levied blackmail upon the unhappy travelers whom he had, from time to time, encountered on the highways along the banks of the great river; hundreds of whom he had despoiled, and some of them under circumstances both romantic and ludicrous. Phelps had been, of course, relieved of his irons before being brought into court for trial, but it had been deemed expedient to surround him with an armed guard. His appearance on the occasion was very striking and impressive. He was a muscular, well-shaped man, about five feet eleven inches in height, and evidently possessed of great vigor and activity. He had a particularly fair complexion, though somewhat bronzed and freckled from constant exposure to the damp air of the river bank and the torrid rays of a southern sun. His hair was blood-red and was much inclined to curl up in knots, and his crispy, snake-like locks stood stiffly up over and about his cranium, with a singularly fierce and menacing aspect. His keen gray eyes exhibited a curious blending of audacity and furtiveness. Prentiss' speech galled and irritated him greatly. When the orator was depicting the enormous and shameless criminality of the culprit and most fiercely looked him full in the face, with a most withering look of scorn and indignation, I saw the muscles of this hardened criminal quiver with convulsive agony; and seeming presently to grow desperate, he bent forward a little and whispered in my ear: 'Tell me whether I stand any chance of acquittal, and tell me frankly; for if my case is hopeless, I will snatch a gun from the guard nearest me and send Mr. Prentiss to hell before I shall myself go there.' Never was I more embarrassed in my life. I saw that my robbing and murdering client was in dead earnest. I did not doubt that at this moment Mr. Prentiss was fully in his power. If he should slay him he would deprive of life one whom I could not help loving and admiring much, despite the unkind relations then existing between us. Were Prentiss assasinated by the hands of this fiendish ruffian, immediately, too, after this whispering intercourse with me, who, of all that vast crowd, would hold me guiltless? I may have been wrong, but frankness constrains me to confess that I whispered back to Phelps, 'you are not in the least danger; we shall have no difficulty whatever in preventing your conviction, and shall presently introduce a motion for a new trial, or in arrest of judgment, which will save you from all further annoyance.'

"The jury in a few moments brought in a verdict of 'guilty,' as they could not avoid doing without the commission of the most shameless perjury; and Phelps escaped being hung upon the scaffold only by breaking jail and endeavoring to fly towards the river bank, in the attempt to do which he was shot down by the sheriff of the county, a most resolute and faithful officer."

One of the most unique figures that ever rose to distinction at the Southern bar was Joseph H. Daviess, of Kentucky. L. J. Bigelow, in the *Bench and Bar,* describes the first appearance of the backwoods genius in the Supreme Court of the United States:

"It may not be generally known that Daviess was the first Western lawyer who ever appeared in the Supreme Court of the United States. He had somehow become interested in a large tract of country lying in the 'Green River country,' the title of which had long been in litigation, and it was agreed that he was to receive one-half of the tract provided he could succeed in establishing the claim.

"The fame of his genius and eccentricities had by this time become national; but this was to be his first personal appearance beyond the bounds of his own state, and he seems to have determined that it should be marked both by the most splendid exhibition of his intellectual powers and by the most glaring display of his eccentricity.

"His entrance into the Federal capital, as described by an eye-witness of the spectacle, must have been worth beholding. On foot, dressed in an old pair of corduroys, ripped at the ankle for convenience of 'rolling up,' with a threadbare drab overcoat hanging to his heels and furnished with innumerable capes of various sizes; with shoes dilapidated, muddy and destitute of strings or buckles (a constant habit with him), and a hat to match—fancy this stalwart figure, six feet high, stalking solemnly through the street, looking neither to the right nor the left, leading by the bridle a little, black, rough-haired filly, her tail matted into the likeness of a club with cockle-burrs. Over the saddle was hung a small wallet, containing, as afterwards appeared, papers and a provision of *gingerbread* and cheese. Such was the trim in which Joseph Hamilton Daviess presented himself for the first time to the eyes of the denizens of Washington. Few who beheld this strange figure pass by could have imagined that the brain under that 'shocking hat' was laboring with thoughts, the eloquence and power of which would in a few hours astonish the most learned tribunal of the land.

"Putting up his mare at an obscure tavern, the stranger relieved himself of his great-coat, when he appeared in a short gray linsey *roundabout,* into one pocket of which he transferred from his wallet a quantity of bread and cheese, while the other received a bundle of papers, tied with a blue yarn string. Thus equipped, he issued forth into the street again, the observed of all negroes and idle boys. Arriving, as if by chance, in front of the building in which the Supreme Court was holding its sittings, he lounged into the bar and took a seat, not ceasing even in that august presence to regale himself from the store in his roundabout pocket. Unknown to all—taking, as it seemed, no particular notice of anything (yet in reality, as soon appeared, watching everything with the eye of a lynx), he

passed, as he had done in the street, for some awkward countryman on his first visit to the city.

"The case in which he was employed was soon called, and Mr. Taylor, of Virginia, the leading lawyer on the other side, arose to speak. He seemed to be advancing swimmingly in his statement of facts preparatory to beginning his argument, when all at once the stranger ceased eating, listened earnestly for a moment, then tapped him on the back, and very quietly corrected him on some point of his statement. Taylor stopped, turned round, and looked at him an instant without replying, and recommenced his remarks, taking no further notice of the interruption. Daviess resumed his eating amid the smiles of the bar and audience. In a few minutes he again tapped the speaker and made another correction. This was repeated a third time, when Taylor, becoming irritated at the interruption, begged the court to protect him from the impertinences of 'that person.' Judge Marshall, always exceedingly lenient, and supposing now that he saw before him some Kentucky backwoodsman come to see the progress of his case and, if things did not exactly suit him, to take it out of the hands of his attorneys—as lawyers know backwoodsmen will sometimes do—replied that the gentleman was, he supposed, one of the parties to the action; as such he had a right to be heard, and that his corrections seemed very just, though irregularly made. But he advised the stranger to leave his cause in the hands of his counsel, one of whom was present in court. Daviess's colleague had by this time got a hint as to who his strange ally really was, and, to humor the joke, kept silence.

"Taylor finished his argument—one of great power and ingenuity—and sat down, not, as may be supposed, in the best of humors. Then, to the amazement of all, the stranger arose, and throwing aside all oddity of manner, began a speech so clear, so forcible in its compact logic, and so masterly in its exposition of his adversary's weak points, that the gentleman, though well accustomed to the conflicts of the forum, seemed completely paralyzed, and sat like one overwhelmed by some sudden and unavertable calamity. It is said the sweat stood in large drops on his face as he listened to that crushing reply. The man whom he had regarded as an ignorant or crazy rustic had all at once towered up before him into the proportions of a giant, and it is no wonder if he was confounded by so startling a transformation."

Henry, Pinkney, and Wirt, have been, not in their native section only, but in all the United States the most prominent forensic examples. Though the speech against the Parsons, which was from beginning to end a tissue of *faces dicendi*, to use Cicero's metaphor, that is, blazes of eloquence, each one rivalling the world-famed oath of Demosthenes in the

Crown oration, could not be approached by even the greatest successor, yet it proved everywhere elevating inspiration. It seems to me that Henry Clay was more largely developed as a forensic orator by Patrick Henry's influence on him as a model than any other. Clay sowed seed broadcast in Kentucky, and soon there was in the new state a plentiful crop of first-class advocates. The bar of Virginia and Kentucky, in which there was perhaps a larger per cent. of eloquent speakers than elsewhere, is the highest and most convincing testimony to Patrick Henry's success in founding a new school of oratory. And he had specially benign effect in Maryland, North Carolina and Tennessee, with appreciable accomplishment in the remaining Southern states. I have often queried with myself if John Rutledge was not the founder of forensic oratory in Georgia and South Carolina, so far as the same may differ decidedly from what we may call the Virginia school.

Pinkney excited in the court advocates of his generation and succeeding ones far more emulation than Patrick Henry; for it was easily seen that the latter was a rare and prodigious genius, a born orator, whose height could be reached and kept only for a moment by the most gifted, while it was also seen that the other, who, as Benton tells, "was considered in his day the first of American orators," was, in the main, self-made, from which it was believed, as was natural, he could be successfully imitated by the industrious and painstaking.

And Wirt, as he was far below Pinkney in nature's endowments, and nearer to the general level, found many more imitators than the other.

In every Southern state have been those that patterned themselves, some after Pinkney, many more after Wirt, some after both, a few of whom once or twice in their lives, showed that their lips were

touched, for a fleeting minute, with the fire of Patrick Henry.

These great speakers, averaging four or five, perhaps a few more, in every Southern state, can not be faithfully portrayed except by giving copious account of their best speeches, which is utterly impossible in our narrow limits. I think it may prove of profit to the student of our subject if we devote our remaining space to describing the genesis and growth of forensic oratory, and explaining how its leading characteristics were evolved. Our proper beginning is to indicate how the orators we have sketched were bred.

That the hearers are to be pleased moulds the speaker. The colonists, both Northern and Southern, had progressed much further towards pure democracy than the inhabitants of the mother country, and resolutely practising, as they did, more and more of self-government, all their speakers, whether of the bar, the pulpit, the stump, the legislative assembly, continually became more and more popular in style, that is, more capable of wielding democrats. Jury advocacy, as it had been in Greece and Rome, was the special training-school for popular leaders; and the popular leader, with the rare exception of men like Jefferson, had necessarily to be a speaker of influence. Approaching revolutions beget and rear, in a way which the sociologists have not yet made clear, their promoters, who are far from being fully conscious of their mission. Thus Henry, Rutledge, Otis, John Adams, and their like were bred; and their speeches, which seemed ultra-democratic and licentious to Englishmen, gave permanent character to all subsequent American oratory. Thus a general condition produced what we may term the general American style.

Southerners grafted upon this a style of their

own, generated by their peculiar conditions, now to be indicated. The civilization of the section was a reversion to that ancient form in which laborers were slaves. The new form of civilization then rapidly covering the enlightened world had replaced slave with free labor, and the free-labor system was economically as antagonistic to the slave-labor system—requiring, as it did, the master to maintain the superannuated, children, and other non-workers—as slavery had in times long past become to the cannibalism of captured enemies, whose coerced labor was of far more value than their flesh consumed as food, and the struggle between the free-labor North, and the slave-labor South, over the public domain, the former trying to increase the number of free states, the other the number of slave states, each section seeking thereby such an augmentation of its political power as would secure its economic system against attack by the other, became year after year more intense. The growth of the North in population and wealth being much faster than that of the South, the latter in intelligent alarm put its special advocates in the national legislature. Pinkney's memorable speech on the Missouri question roughly marks the beginning of distinctive Southern oratory. During the years that followed until secession the South was much like Ireland from about 1750 until passage of the act of Union in 1800. Ireland was contending with all her might to preserve her local autonomy, the South with all her might to preserve her productive and property system, and each saw that its adversary was increasing in superiority of power and becoming more aggressive. Naturally proneness to revolution became all the while more dominant in each, diverting culture from all sciences and arts but those of politics and government—a

parallel which I have somewhat enlarged in my *Old and New South.*

And it was thus that Yancey, McDuffie and Toombs, after development into renowned forensic speakers were called to be eloquent champions of Southern independence.

Informed as it was by revolutionary spirit constantly strengthening, Southern oratory at the bar became more impassioned and fervid than that of either the North or England.

And the temperament of the typical Southerner, who is more quickly apprehensive, more excitable, and more emotional, than a typical Northerner, must be allowed for. I have heard observant Northerners who had lived somewhile in the South assert that our people are the more sympathetic, that even the children who are spectators of a show, or listening to a speech or other public performance, seem to be of more alert attention than those of the other section, and are far more prone to make exhibitions either of approval or the opposite. I have had more than one such to emphasize the demonstrations that Dixie played by a band always excites. This mercurial temperament of Southerners called into being a style of speech that invoked the heart, the conscience, the feelings of love and hate, far more than Northern orators are wont to make use of. To compare Clay with Webster will example. It will be a much more striking proof of the difference, if one familiar with the best forensic oratory of the North should try to put some of the most eloquent passages of Prentiss's defence of Wilkinson—say this one: "Young Murdaugh * * * has a mother who is looking even now from her window, anxiously watching for her son's return; but better both for her and him that he should have been borne a bloody corpse to her arms than that he should have carried

to her unavenged the degrading marks of the accursed whip,'' into the mouth of Webster or Choate, and he will find that realization is utterly unthinkable.

It has been proved above, as I believe, that the whole country has been profited by the forensic career of certain Southerners; that these Southerners taught the lawyers of both sections, ideals, and gave them speeches for models, higher and better than the old; and that this amendment of a great art—of American eloquence—which is one of our chief glories, is a golden deed of the South in the building of the nation.

Bibliography.—As to Patrick Henry: *Life* by Wirt, also by Tyler; *Life, Correspondence, and Speeches* by his grandson, Wm. Wirt Henry, which is far superior to the others in accuracy and copiousness. As to Pinkney: Wheaton's book; mention and opinion of, by Story, in bioraphy of latter; and especially what Choate says, as reported at different places by Parker. As to Wirt: Kennedy's *Life;* and Benton's relevant chapter, especially the estimate of Webster there quoted. As to Prentiss: the *Life* by his brother; and that by Shields; also notices in other books mentioned below, those by Baldwin and Foote being the most valuable.

As to forensic advocates generally: Baldwin's *Flush Times in Alabama and Mississippi;* Bay's *Bench and Bar of Missouri;* Butler's *Benjamin,* showing that a first-rate Southern speaker can rival the best of the natives in the English courts; Caldwell's *Bench and Bar of Tennessee;* Davis's *Recollections of Mississippi;* Foote's *Bench and Bar of the South and Southwest;* Gayarré's *New Orleans Bench and Bar in* 1823 (*Harper's* for November, 1888), containing good description of Edward Livingston's forensic style; Lynch's *Bench and Bar of Mississippi,* also his *Bench and Bar of Texas;* Miller's *Bench and Bar of Georgia;* O'Neall's *Bench and Bar of South Carolina:* John C. Reed's *Recollections of Ben Hill* (*South Atlantic Quarterly,* April, 1906); Geo. B. Rose's *The Bar of Early Arkansas* (an address to the Bar Association of the state, May 26, 1903); Spark's *The Memories of Fifty Years,* which contains a brief but able sketch of John R. Grymes, and makes a short addition to report of Prentiss's speech in defense of Wilkinson.

For the forensic orators of States not having such works as those of Bay, Caldwell and others just noted, the only available authority is the Memorial Proceedings as to deceased lawyers incorporated in the volumes reporting judicial decisions.

John C. Reed,

Author of American Law Studies, Conduct of Law Suits, etc.

CHAPTER VIII.

THE PULPIT ORATORY OF THE SOUTH.

IN no sphere of Southern oratory has there been a more meritorious display of the art than in the pulpit. The stirring periods of Southern history, and the conditions attendant on each have been conducive to the expression of oratory. Like character, oratory takes color from its surroundings. In a period when conditions were raw and crude, the orator of the pulpit spoke with more abandon than he did while under conditions of culture and refinement which demanded a type quite different. Special occasions and periods have served, at times, to lend dash and color to the tone of oratory.

The varied conditions and variety of subjects elicited during the transition periods through which the people of the South have passed, from the colonial days till now, put beyond the range of possibility any classification of Southern pulpit orators. Men of varied classes, learned and unlearned, impetuous and calm, have each left their impression as they have passed from the scene of action. The orator of the backwoods dealing with primitive elements has been as effective in his oratory as has been he of the populous and refined centre. Among the elements with which he had to deal, and the sentiments which he sought to sway, the rugged orator has been as potent as has been he who has dealt with thought on a more elevated plane, and with a people appreciative of the beauties which adhere to loftier diction.

For about a hundred years the pulpit oratory of

the South was restricted mainly to a single evangelical denomination, that of the Baptists. These people occupied the colonies long in advance of the others, having planted their first church in the South in 1682. There were Presbyterians at a later date, but they were few, and not till the dawn of the Nineteenth century did a Presbyterian minister become conspicuous as a pulpit orator. The preachers of the Establishment were so restricted to the use of the ritual, as to suppress oratory, and not till a subsequent period did the pulpit of the Episcopal denomination produce an orator of note. Not until the closing period of the Eighteenth century did the Methodists come into the South from England, but from the first, the impression produced by that active and aggressive people was profound.

As a matter of fact, the religious sentiment of the states of the South has been largely molded by the two denominations, the Baptists and Methodists. Side by side, alike in rural region and crowded centre these two denominations have grown into formidable forces. It is not in disparagement of other and lesser bodies that the statement is made that the Baptist and Methodist denominations are the dominantly popular and controlling religious forces of the South. They have always been the denominations of the people, and no habitable retreat was too obscure, no frontier settlement so remote that the evangels of these denominations did not reach them with the gospel. The result is that by the combined vote of the citizenship of these two bodies of Christians, they could prevail on any issue raised in any state of the South.

Among the incidental contributions made to the life and population of the South in its early stages of development was that of a colony which sought relief from oppression in the Old World. This colony

was that of the Salzburghers which accompanied Oglethorpe to Georgia, and settled twenty-five miles above Savannah, at a point which they called Ebenezer, a name indicating their deliverance—stone of help. Denied religious freedom in the region of the Tyrol, in Austria, this small Lutheran colony fled in a body, first to Dover, on the English Channel, from which place, by the aid of the Society for the Propagation of the Gospel in Foreign Parts, they came, in 1735, to the region of Savannah, and founded the settlement just named. It was a small company, numbering only seventy-eight persons, but they were an excellent folk and thrifty, and soon the community was one of the most prosperous in the colony of Georgia. Among the Salzburghers were two influential pastors, Reverends Bolzius and Gronau, the labors and influence of whom made the community unique in tranquillity of life, and in probity, industry and thrift.

This was the introduction of Lutheranism into the South, and with the expansion of the German population in Georgia, there has been a corresponding growth on the part of those people, through successive generations of prosperity, usefulness and moral worth. They have added immensely to the prosperity of southern Georgia and other parts of the state, as well, and their descendants have been characterized by the traits of their original ancestry which fled first from Salzburg.

Rev. Samuel Davies was born in Delaware, Nov. 3, 1724, and was educated in Pennsylvania. Coming South, he was soon known as the Dissenter in the Southern provinces. It was he who led, so far as the ministry was concerned, in the great fight against the Episcopal establishment, which was refusing to admit Dissenters into their territory. While this agitation prevailed, Davies thought it a good plan

to go to England and secure explicit sanction of the highest authority for the extension of the toleration law to Virginia. While in London he preached before George III. It is said that the King was so much delighted with the eloquence of Davies that during his sermon his Majesty spoke several times to those around him, commenting upon the sermon, whereupon the fearless preacher paused, and looking sternly at the King, exclaimed, "When the lion roars the beasts of the forest tremble, and when King Jesus speaks the princes of earth should keep silence."

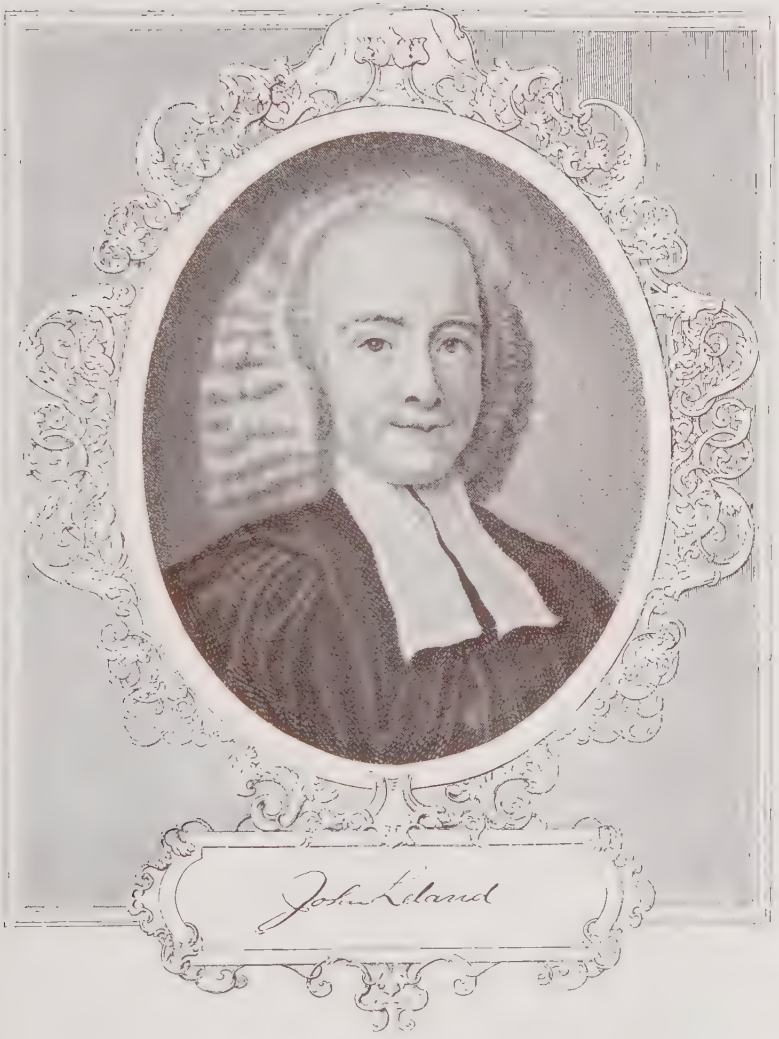
After the defeat of Braddock, the consternation and discouragement which prevailed among the people were extreme, and at this crisis Davies proved his metal by preaching a sermon in which, with impassioned earnestness and patriotic exaltation, he aroused the people to a sense of their duty. It was in the course of a sermon preached for the purpose of stimulating with patriotic ardor a company of volunteers which Captain Overton had raised that Davies alluded to "that heroic young Colonel Washington" and made the remarkable prediction that Providence had preserved Washington in a very signal manner for some important service to this country.

First among the orators of power in the Southern pulpit was Rev. John Leland, a Baptist minister from Virginia. He was unpretentious, but a man of rugged strength, a bold champion of religious freedom, a relentless foe to the union of church and state, and tower of strength in the period immediately preceding the storm of the Revolution. Born during the reign of George II., and a boy of some size when George III. was crowned, the events of the period made on him a deep impression. In the memorable struggle made between the Baptists of

Virginia and the Establishment, on the question of the divorcement of church and state, Leland came to be the recognized leader of the Baptist forces. He was a man of commanding character, and in his vehement protestation against the union of church and state he lent his vast powers to their divorcement. His popularity led to his nomination as a delegate to the Virginia convention which was to adopt or reject the national constitution, and as Patrick Henry was to be a member of that body, and was opposed to the ratification of the constitution, claiming that it squinted too much at royalty, and as Mr. Leland was anxious for its ratification, he withdrew from the race in favor of James Madison, the ablest lawyer in the state, and the only one who could resist the overwhelming oratory of Henry. Leland not only withdrew in favor of Madison, but labored for his election.

The result of the ratification assigns to Leland the unique distinction of being the occasion of such action. Of this Senator John S. Barbour, of Virginia, says: "The credit of adopting the constitution of the United States properly belongs to a Baptist clergyman, formerly of Virginia, named Leland. If Madison had not been in the Virginia convention, the constitution would not have been ratified, and as the approval of nine states was necessary to give effect to this instrument, and as Virginia was the ninth state, if it had been rejected by her the constitution would have failed (the remaining states following her example) and it was through Elder Leland's influence that Mr. Madison was elected to that convention. It is unquestionable that Mr. Madison was elected through the efforts and resignation of John Leland, and it is all but certain that that act gave to our country its famous constitution."*

*Sprague's *Annals of the American Baptist Pulpit*, p. 179.


John Leland

Contemporaneous with Leland was Rev. Samuel Harris, who when converted was an officer in the British service, the colonel commanding Mayo Fort. His power of oratory was often overwhelming, and it is doubtful if Patrick Henry could control a vast assemblage by a power superior to that of Samuel Harris. Thoroughly dauntless he feared not legal prosecutions nor private persecutions in the denunciation of ecclesiastical tyranny in the stormy days in Virginia which preceded the outbreak of the Revolution. Personally popular and influential his oratory was very effective throughout both Virginia and North Carolina where he traveled and preached. Throughout these regions he established many churches of the Baptist faith.

Little else is known of Rev. Paul Palmer than that he was a remarkable man and a preacher of tremendous power. Traditions of his powerful preaching still linger in North Carolina, where his influence was mulnipotent.

It may be safely said that no one affected more the religious sentiment of the South in its initial stages, than Rev. Daniel Marshall, a pioneer Baptist preacher. His life was a most eventful one. Reared a Presbyterian, he was an officer in that church for a period of twenty years. Catching the contagious zeal and fervor of Whitefield, after hearing that famous revivalist, Marshall craved the opportunity of preaching to the Mohawk Indians near the headwaters of the Susquehanna River. His efforts were thwarted by the hostility of the savages, and he repaired to Connogogig, Penn.; thence to the region of Winchester, Va. Led to an impartial investigation of the Baptist faith, he was united to a Baptist church, and licensed to preach. Later, he removed southward with Shubael Stearns, another disciple of Whitefield, and brother-in-law to Marshall, both of

whom engaged actively in religious work in North Carolina, Marshall locating at Hugwarry, N. C. Like Marshall, Stearns had been won from another denomination to the Baptists, having previously belonged to the New Lights, of Connecticut. By the combined efforts of these men, North Carolina became the centre of power and influence of the great movement for liberty on the part of the Separate Baptists. Through the agency of these men, the spirit of freedom which characterized the Separate Baptists spread through the Carolinas, Virginia, Kentucky and Tennessee, and yet the sphere of their operations was limited to three countries of Guilford, Randolph and Orange in North Carolina.

Both aggressive and progressive in spirit, Marshall, after a period of years, following the westward movement or emigration, removed from North Carolina to Horse Creek, S. C., whence he made repeated visits to the west side of the Savannah, into the colony of Georgia, preaching with power as he went and came, sometimes in out houses and often beneath the shades of the trees. This was about the year 1770. In 1772 he formed the first Baptist church organized in Georgia, and called it the Kiokee church. At different times, he was a victim of persecution at the hands of the Establishment, in defiance of which he continued his labors with undiminished zeal. Becoming pastor of the Kiokee church he retained this relation to the close of his life.

It was during the closing period of the Revolution that the Methodists entered the South. Rev. Francis Asbury was their first chief representative. He was a man of no ordinary power as a pulpit orator, and possessed along with his preaching ability an unusual gift of organization. He was born a leader. His gift of persuasion, unctuous appeals, and wise

Francis Asbury

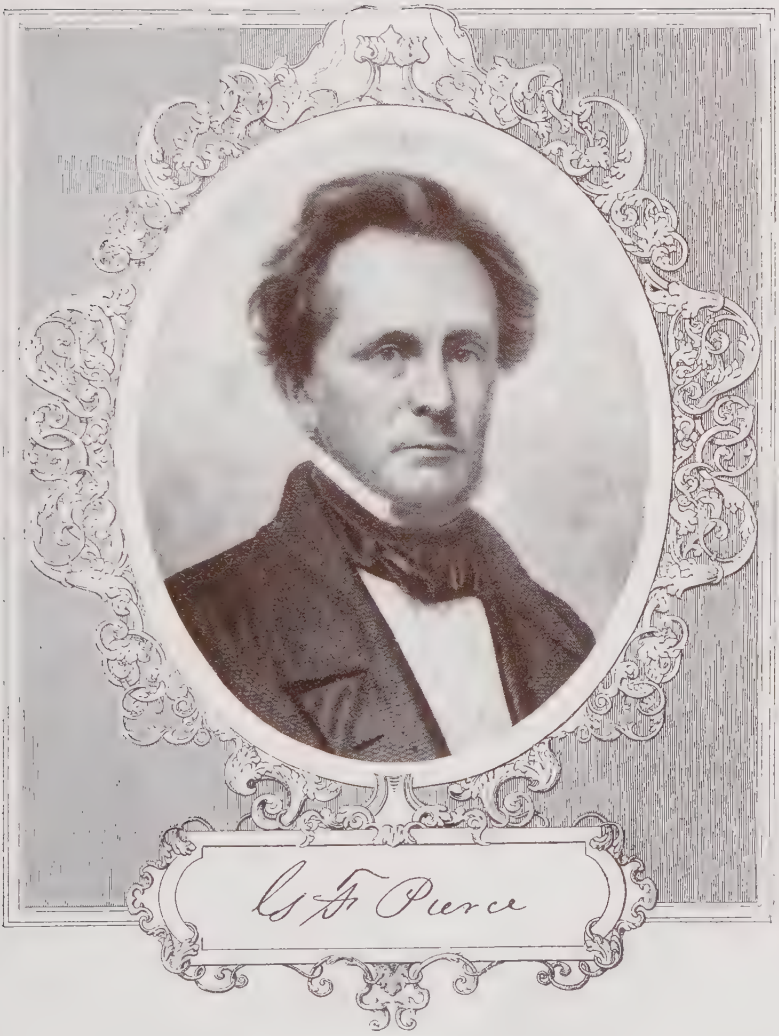
administration eminently fitted him to be the leader that he was. His signal ability displayed in the mastery of the crude forces of a pioneer region led to his election to the episcopate. He was an indefatigable evangelist, and in his tours crossed the Alleghanies not less than sixty times.

The years immediately succeeding the Revolution were marked by a serious demoralization which sought expression in much shocking vice. The period called for a stalwart rebuker and he appeared in the person of Rev. James McGready, a Scotch-Irish Presbyterian minister. With the courage of a lion he attacked prevalent vice, and with Sinaitic thunder he startled the multitudes wherever he appeared. Thousands thronged on his preaching with phenomenal results. Many were smitten to the earth under the spell of a paroxysm which came to be popularly known as "the jerks." His was the gospel of law rather than of love, and it seemed opportune, for vice was subdued and a moral condition ensued. His preaching tours extended through different portions of the South with the same remarkable results.

Dr. Henry Holcombe, of Savannah, Ga., was one of the most finished sacred orators in the period succeeding the Revolution. Converted while a captain of cavalry in Washington's army, he rode the distance of twenty miles in order to be baptized. His career as a minister began when on his return to camp he preached his first sermon to his command on horseback. After the close of the war he served as pastor, first in South Carolina, and later, as pastor of the First Baptist church of Savannah, Ga. Possessed of a commanding person, a pleasing address, and of a rare scholarship for the time, his influence in Georgia became potential.

A worthy successor to Dr. Holcombe was Dr. Jesse Mercer. Not so powerful and attractive as an orator, Dr. Mercer was equally as effective, and the boundary of his accomplishments greater. His oratory was reinforced by untiring effort and the expenditure of an ample fortune to foster institutions for the public good. He founded *The Christian Index,* a religious journal which still exists, and Mercer University, now located at Macon, Ga. Dr. Mercer's oratory was of the calmer cast, but supported by a commanding character and a resourceful mind, was popularly effective.

New agencies introduced into the religious life of the South in the opening period of the Nineteenth century, greatly stimulated the growth of oratory. The rival denominations of the Baptists and Methodists in the presentation of their respective tenets, acted and reacted, the one on the other, and evoked to the fullest, the oratorical ability of each. The camp-meeting, introduced by the Methodists, was promotive of a freedom of oratory rarely equalled. The abandon induced by these occasions left the orator without restraint, and developed him in the school of nature, from which exercise came men of great speaking ability. Among those who rose to great pulpit prominence during the period to which attention has been called, was William McKendree, who had served as a soldier of the Revolution, and was present with Washington at the surrender of Lord Cornwallis. In his ministry were developed the gifts of the effective pulpit orator, the leader, and the administrator of affairs. His advent was a timely one in the progress of Southern Methodism, and he was eventually raised to the episcopate. Lovable of disposition this element was manifest in his pulpit ministrations, and served to invest them with tremendous power. No man of his time produced a


Franklin Pierce

profounder and more comprehensive impression than did Bishop William McKendree.

In the early years of the Nineteenth century the means for the mental equipment of the ministry were scant. There were no theological seminaries of any denomination in the South, and even though there had been, the demand for preachers was so great that but few could doubtless have availed themselves of the opportunity and leisure of systematic and prolonged study. Both Methodist and Baptist preachers alike bent on making the most of the slim advantages afforded, carried their scanty libraries in their saddle-bags, while on tours of evangelization, and frequently studied on horseback or before pineknot fires at night. The earliest theological seminary was in the saddle.

From conditions like these arose into prominence such men as Dr. Lovick Pierce, self-trained and rounded by the hard conditions of the times keeping pace meanwhile with the periods of development. Dr. Pierce grew in pulpit power, and no name was more familiar to the people of the South, than his. He ripened in force with the years, and infused by his pulpit ministrations, an influence for vast good, especially in the states of Georgia and South Carolina. No name is more honored in the annals of Methodism than that of Dr. Lovick Pierce. Effective as Dr. Pierce was, and wide as the compass of his influence became, he was eclipsed as a pulpit orator by his son, Bishop George F. Pierce, who combined all the choicest elements of great oratory. The South has never produced a greater. Richly endowed by nature with the gifts of the orator, an impressive presence, ease of utterance, grace of manner, dignity without stiffness, and an exuberant imagination, these received the embellishment of culture and the advantage of learning. Graduating from the Uni-

versity of Georgia while still a youth, Pierce entered the Methodist ministry, and for many years was a princely orator in the pulpit of the South.

Among the pulpit orators of that period was Dr. John E. Dawson, who was esteemed one of the rarest men for pulpit ability ever produced by the Baptists of the South. Possessed of a voice soft and musical, yet one of great compass and power, and a magnetism that captivated all who came within the sphere of its influence, Dawson was one of the greatest of the orators of his time. His compass of thought being broad, and his fluency and eloquence rarely approached, he was a great favorite as a preacher on public occasions. As an orator, the Baptist denomination of the South has never produced a greater.

From the earliest periods of the occupation of the South, the Baptist and Methodist ministry were the invariable forerunners of Christian colonization in that quarter. As the occupation widened westward, the preachers of these two denominations were found in every frontier settlement. They were the chief makers of the expanding civilization, and were the transformers of the raw and uncouth conditions of the country into those of sobriety and civic virtue. Other denominations like those of the Presbyterians and Episcopalians came later, and would join in the work of solidification and the advanced culture of the community, after that it had been well established, and after social conditions had become inviting. This served to give a tinge to the pulpit oratory of the denominations other than those of the Methodist and Baptist. The tone of the oratory of the Presbyterian pulpit was usually of a didactic and philosophic cast, while that of the two dominant denominations was flexible, and pervaded by a spirit of the utmost freedom. If the deftness and finish

of the most approved models of homiletical science were prized by some, the dash, freedom and variety, with occasional angularity was prized by the many.

This concern for finish did not admit of application to the Presbyterian when he was an evangelist. As such he adopted the more informal method of discourse, without which his preaching would have failed of general acceptance to the populace.

Of the evangelists of the first part of the Nineteenth century, none were more popular than Dr. Daniel Baker, a Presbyterian minister, whose labors extended throughout the South. To a certain degree of finish in his sermons was added a popular strain of address, seasoned with a restrained ruggedness, and pervaded by a tender tone of spirituality which made Dr. Baker a most popular orator of the pulpit.

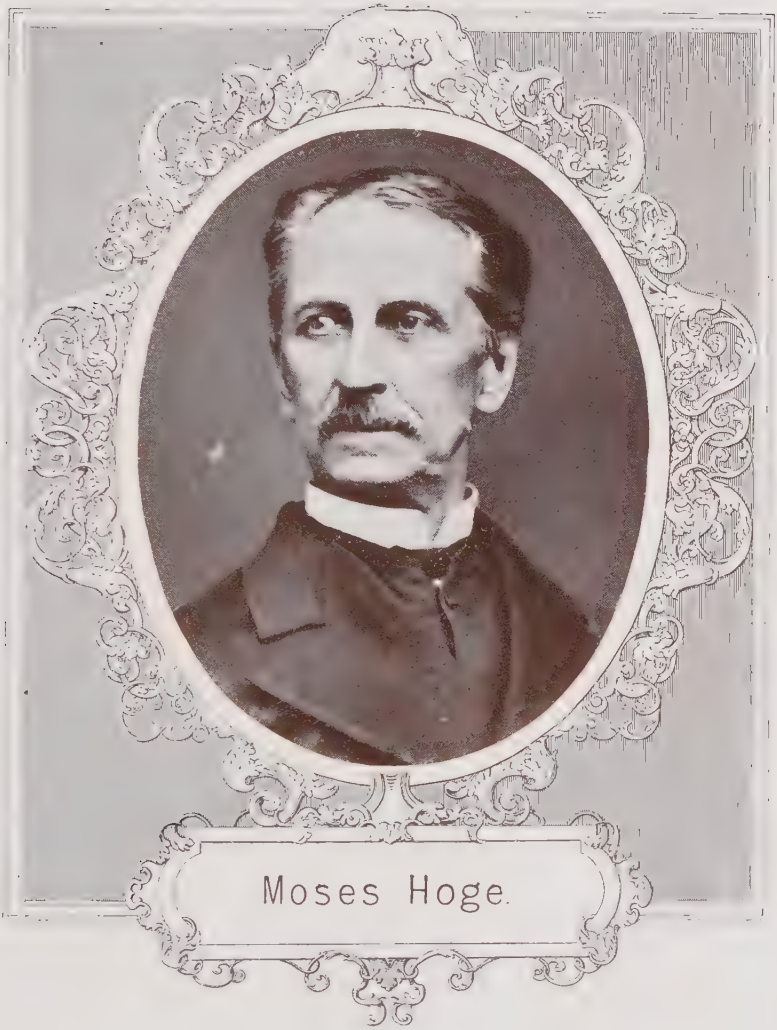
No more conspicuous type of the pioneer evangelist of those early days of the South can be found than in the person of the Baptist minister, Rev. Alexander Travis, one of the foundation builders alike of civilization and of Christianity in the territorial days of Alabama. Laboring in the primitive, stubborn soil during the week, and studying his plain English Bible by pineknot fires at night, he devoted much time preaching to the widely-scattered settlements of a territorial region, and for more than a generation, was one of the favorite orators of the masses of Alabama.

Conditions, kept largely incoherent, in society, by fresh accessions of population into different parts of the South, demanded an unusual class of men, now and then, to cope with these unusual circumstances. These came in response to the demand, and right well did they meet prevailing conditions. Among this class may be named Rev. Peter Cartwright, who for oddness and eccentricity of manner, with an ab-

solute disregard for public opinion, has never been excelled. Naturally possessed of qualities that made him unique among men, and having a quaintness unsurpassed, he won to his preaching thousands of eager auditors. With cool disregard he crashed through the shams and pretentions of his time, and ridiculed out of existence much that was hurtful to society. His was a prodigious influence in quelling vice and in putting to shame prevalent iniquity. What Peter Cartwright was to the Upper South, Rev. James Dannelly was to Georgia and South Carolina. His courageous front, incisive utterances against wrong, and unvarnished denunciation of sin of every character, made "Uncle Jimmie Dannelly," as he was familiarly called, a terror to evil doers. The announcement that he was to preach on a given occasion stirred a community like a blast from out the bugle-horn of a Scottish chief. He was a sort of presiding genius at a camp-meeting in Georgia, where for years he flourished as a Methodist minister.

Of somewhat the same cast of mind was Rev. L. C. Davis, popularly called "Club-axe Davis," a Baptist minister in Alabama. His preaching was a strange blend of ridicule, sarcasm, exhortation, denunciation, pathos, humor and zeal. His peculiar expressions became proverbial among the people and were effective of wholesome results in an early stage of society.

Among the Presbyterians there was a group of gigantic orators produced throughout the states of the South, the reputation of each of whom was national. These were Drs. James H. Thornwell and J. L. Giradeau, of South Carolina; Moses Hoge and Robert L. Dabney, of Virginia, and Benjamin M. Palmer, of Louisiana. These were of the Southern Presbyterian Church, while Dr. W. J. Lowry was a



Moses Hoge.

brilliant representative of the Associate Reformed Presbyterian Church of the South, but later became a member of the same branch as the others.

Dr. Thornwell was equally famed as a preacher and theologian. The South never produced a profounder scholar than he. His discourses were characterized by profundity of thought, classical diction, intense earnestness, and convincing logic. It is said that John C. Calhoun once remarked that Thornwell was the only man in whose presence he felt his insignificance. On one occasion Dr. Thornwell preached a sermon before the General Assembly of the Presbyterian Church of America, on the Sacrifice of Christ the Type and Model of Missionary Effort, concerning which sermon Dr. Addison Alexander said that it was as fine a specimen of Desmosthenian eloquence as he had ever heard from the pulpit, and that it realized his idea of what preaching should be.

Of an entirely different type of preaching was that of Dr. J. L. Giradeau. Not nearly approaching Dr. Thornwell in profundity, Dr. Giradeau's preaching was distinguished by superb rhetoric, vigor of thought, and dramatic power. The brilliancy of his discourse was often fascinating, and he would frequently throw a spell over an audience that was irresistible.

Differing from both of the last named orators, Dr. Moses Hoge, of Virginia, was calm, deliberate, persuasive of manner and speech, while his discourses would often sparkle with rare gems of diction. His style was distinguished by smoothness and elegance, and nothing ordinary either of thought or diction, fell from his lips. Always captivating he was one of the South's most popular pulpit orators.

Unlike him, again, was Dr. R. L. Dabney. Learned, he husbanded his vast resources in his powerful

preaching, and by great forcefulness of manner and projectile power, drove home the truth as with a sledge-hammer. He hurled his forged bolts of thought like a Titan, and overpowered as much by his genuine force as by his elevated diction. The pastor of Gen. Stonewall Jackson, he was attached to the staff of that famous chief, and was by his side in his brilliant campaigns in Virginia. A life of this idol hero of the Southern army, from the pen of Dr. Dabney, affords a profounder insight into the life and character of the great chieftain than can be found in any other biography.

Dr. B. M. Palmer was at once a ripe scholar, a superior orator, alike on the platform and in the pulpit, an exemplary citizen, and a distinguished patriot. His oratory was expended in behalf of any worthy cause for the public weal. His ease of address was remarkable; his diction elegant; his logic incisive; his preaching deeply spiritual. His fame was coëxtensive with the South. As the prime mover against the Louisiana State Lottery, the abolishment of which Dr. Palmer sought to secure, he rendered a service which was far-reaching, as it directed attention to all forms of gambling, which was finally brought under the public ban in the South.

Dr. W. Joseph Lowry was the most distinguished orator ever produced in the South by the Associate Reformed Presbyterian Church. After entering the ministry he became a member of the Presbyterian Church of the South. His animated discourse clad in charming rhetoric and reinforced by his commanding person, gave him immense power before great auditories.

The Episcopal Church has produced a number of pulpit orators, among whom may be named Bishop Leonidas Polk who was preëminent not only as an

orator, but as a man of affairs, and as a patriot. The influence of his oratory was confined, for the most part, to his own denomination, by means of which he became the founder of the University of the South, at Sewanee, Tenn. He exchanged his clerical robe for the stars of a general in the Confederate army in which he came to command a corps. He was killed in the battle Kenesaw Mountain. Another orator of the same church who won considerable distinction was Bishop John Watous Beckwith. As an elocutionist he was perhaps without a peer in the pulpit of the South of any denomination. The liberal views of Bishop Beckwith gained him great popularity throughout the South, and his influence extended far beyond the confines of his own church. His thought was always pitched on a high plane, and his voice was always raised in behalf of that which was best. His preaching was always attended by large audiences.

Bishop Ellison Capers is remembered both as an orator and as a soldier. He was a brigadier-general in the Confederate army, and later became a bishop in the Episcopal communion. A man of pleasing address and of sympathetic touch with all that was worthy, his popularity was shared in by all denominations and by the public generally.

One of the most progressive as well as one of the most popular of the Episcopal clergy of the South is Bishop Alfred M. Randolph, of Virginia. In addition to his attractive pulpit qualities, Bishop Randolph is esteemed for his independence of thought, his catholicity, and his elegant productions of scholarship.

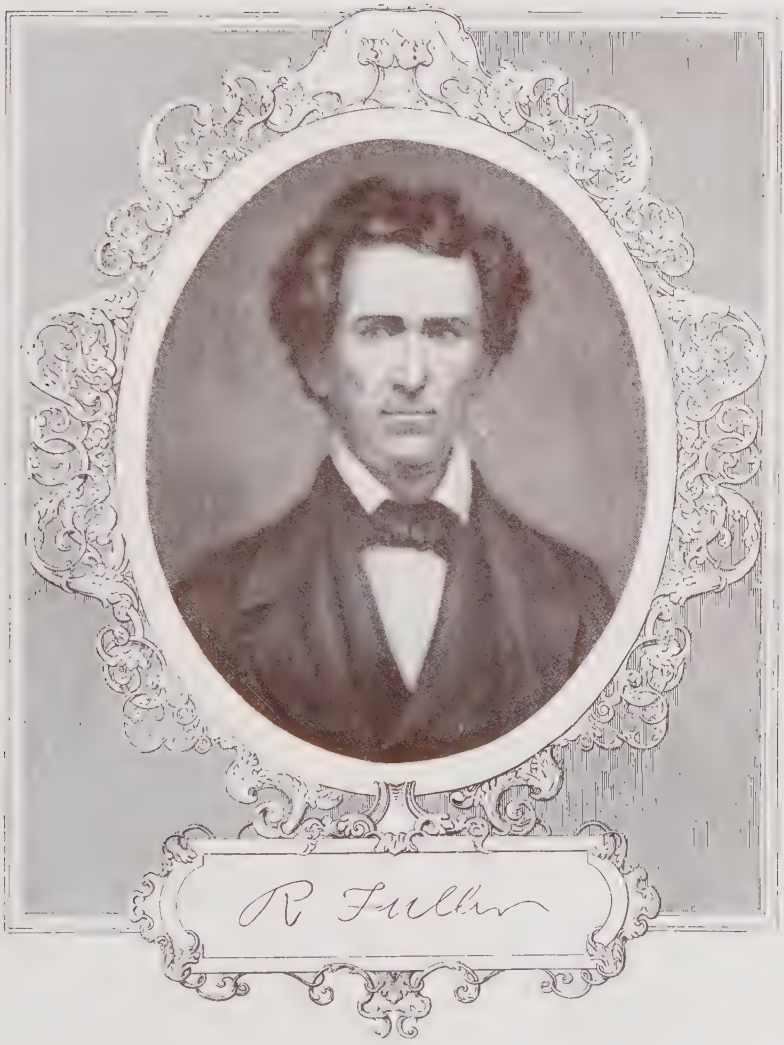
None among the Episcopal bishops of the South surpassed in ripe and profound scholarship, as well as in effective oratory, Bishop Hugh Miller Thomson. His career as a pulpit orator both in New

York and in New Orleans led to his election to the episcopate. Profound as a scholar and effective as an orator, he was held in the highest esteem throughout the South.

With the rapid expansion of the Methodist and Baptist denominations in the states of the South, the multiplication of their schools of learning and the establishment of great churches in the populous centres, there was a logical increase in the ministry, and consequently of orators in their pulpits. Polemical combat gradually declined, and mutual respect followed, though now and then there was evinced the pugnacious element alike on the part of both of the controlling denominations.

Among the most noted of the Baptist polemicists in the South, in the first half of the Nineteenth century was Dr. J. R. Graves. He was an orator of unquestioned merit, but his oratory was largely confined to the orbit of polemics. Within his own denomination he contended against what he regarded an errancy from original principles, and insisted on the reëstablishment of the ancient landmarks. Pushing his logic to its furthest conclusion, he came to embrace in the range of his attacks the Methodist denomination. He met with ready resistance from that denomination, and failed to command the sympathy of the large conservative element of the Baptists. The Baptists resisted what they regarded as radical in his views, while the Methodists stood for the defense of their own cherished tenets.

The stoutest opponent of Dr. Graves was Rev. and Hon. James G. Brownlow, who divided his time between preaching and political addresses. He was a man of versatile power as an orator, and in defense of the views of Methodism against the vigorous attacks of Dr. Graves, he did not hesitate to lay under tribute any means with which to foil his ad-


R Fuller

versary. In point of oratory and in the sway of the multitudes he was the peer of Graves, and for fully a generation these grim and uncompromising combatants were in the public gaze as orators and polemicists. It is doubtful if either of them contributed to the promotion of the general good by their polemical combats.

Among the first to attain distinction as a pulpit orator in the first half of the Nineteenth century, in the ranks of the Baptist denomination was Dr. Richard Fuller, of South Carolina. Fitted first for the bar, in which sphere he was rapidly rising to prominence when he was converted under the preaching of Dr. Daniel Baker, he surrendered a lucrative practice, and in response to duty entered the Baptist ministry. From Beaufort, S. C., where he served with marked success as pastor, he was called to Baltimore where he spent a long and useful life in the pastorate. He was long regarded as the prince of pulpit orators in the Baptist pulpit of the South. In the height of his fame he engaged in a discussion of the slavery question with Dr. Francis Wayland, president of Brown University. Majestic in build, stentorian in voice, and highly gifted in oratory, he enjoyed great popularity as an orator alike in the South and the North.

Near the middle of the first half of the Nineteenth century there arose, in Virginia, a leader of a new movement which was claimed to be a reaction against certain errant tendencies on the part of the Christian denominations, in general, and of Baptist, in particular. This leader was Dr. Alexander Campbell, originally a Baptist minister. The conditions in the quarter of the South in which Campbell resided favored the advent of just such a movement as that which he proposed to lead. The prevalence of hyper-Calvanism and of antinomian views preached from

the pulpits and discussed in the homes of the people, created a slumbering revolt which was easily responsive to the appeal which Dr. Campbell made. First under the name of "Reformers," the movement was begun, which name was changed later to that of "Disciples," and later still to that of the "Church of Christ," the new movement assumed headway.

Possessed of a commanding presence, a marvelous facility of speech, adroitness of argument, incisiveness of sarcasm, shrewdness of repartee, consciousness of power, and undeniable oratorical gifts, Alexander Campbell swayed thousands and ranged them under his standard. Touring a number of states he created an ovation wherever he went, and won adherents by the thousand. He succeeded in building up a strong and independent organization which has spread through many states and beyond the seas.

Perhaps the most cyclonic orator of the pulpit ever produced in the South was Bishop Henry B. Bascom, of the Methodist Church. In manner, vehemence, and velocity, he was easily the peer of Patrick Henry, but vastly surpassed the harbinger of the Revolution in matchless diction and in gorgeous imagery. His words seemed to warm and to catch on fire by the friction of his own thought, and as the preacher, under such influence became transformed, the audience was correspondingly swayed. Before his imagination, scene would succeed scene until the auditors were overpowered by the intensity of his oratory. Raised to the episcopate, Bascom did not long survive his newly-won distinction.

Dr. Basil Manly, Sr., was equally distinguished as preacher and educator. Called from the charge of a successful pastorate in South Carolina to the presidency of the state university of Alabama, he continued his pulpit ministrations to the close of his

A. Campbell

career. He was well known throughout the South, and his lofty character and pleasing manner of address, together with his ability, and his interest in current public affairs gave him a popular hold, second to none, perhaps, of his contemporaries. It was a deliverance from him in the Alabama Baptist State Convention, in protest against an infringement of what he regarded a sacred principle, that led ultimately to the formation of the Southern Baptist Convention.

The War of Secession found in the pulpit of the first Baptist Church of Montgomery, Ala., a native of Kentucky, who was an orator of transcendent gifts—Dr. Isaac T. Tichenor. In the Alabama capital at the height of its culture and intelligence, he produced a profound impression from the outset. In the early days of the secession movement he was in profound sympathy with the views of the South, which sought expression in his becoming one of the first to enlist as a chaplain in the Southern army. He fought in the ranks at the battle of Shiloh, and after receiving a wound, continued to inspire the men as he passed along the firing line.

Becoming the president of the first agricultural college founded in Alabama after the close of the war, he continued preaching throughout the state as opportunity offered, and his progressive views on public affairs did much to rehabilitate the state from its prostrate condition. Elected later the secretary of the Home Mission Board of the Southern Baptist Convention, a wider sphere was opened to him for the display of his rare oratory. Optimistic in spirit, he infused hopefulness in the future glory of the South in all his addresses, and was a source of inspiration throughout his life. His profound interest in matters political, sociological, educational and religious proved him to be an ecclesiastical

statesman. During his career, Dr. Tichenor was ranked one of the foremost orators of the South.

During the War of Secession there was developed from the ranks of the Roman Catholic Church an orator of tremendous power—Rev. Abraham Ryan. As "Father Ryan" he is recognized as the chief lyrist of the war, as the singer of Southern rights. He was as eloquent in the pulpit as he was poetic in verse. He preached as he sang—in eloquent strain.

To the list of orators of the Methodist Church already given must be added the name of Bishop David S. Doggett. A finished scholar, having been trained at the University of Virginia, a superior writer, a modest gentleman, he was also an orator of impressive power. During a period of years preceding his elevation to the episcopate, he was pastor of some of the most important churches in the South, at every one of which he left a reputation as a superior orator. His sermons were massive in construction, thoroughly compact, and clad in a garb of elegance from the beginning to the close. His sermons are remembered and quoted still, throughout the states of the South.

Of the great orators of the Southern Baptist pulpit, Dr. Henry Holcombe Tucker held a conspicuous place. As a scholar he was ripe and comprehensive; as a reasoner, clear as a sunbeam; as a preacher, forceful and convincing, and withal quite original. His chief ability lay in his genius to unravel to simplicity the most difficult and abstruse of subjects. His clearness of presentation was marvelous.

In 1866, the General Conference of the Methodist Church, South, met in New Orleans. At that time the country was in ruins, the people demoralized. Herculean labors were to be performed, if the region was to be rehabilitated. Church organizations had suffered materially, and the utmost wisdom was

necessary to reëstablish them. Three of the older bishops were to retire from their labors, and the gaps were to be filled at the session now being held at New Orleans. There was present from Missouri, a tall, gaunt Methodist preacher whose garb represented alike the poverty of the times, as well as that of the man himself. He hailed from one of the churches in St. Louis, where his preaching and administrative qualities had excited wide attention. Tall, erect, and seedy of garb, Enoch M. Marvin, who had risen from the common people of Missouri, had seen hard service in the mountain regions of his native state as an itinerant preacher. The reputation which had preceded him at the General Conference, was based on three qualities; economic management of affairs, a gentle piety, and unquestioned ability as an orator. He had never enjoyed other than the slimmest educational advantages, and his schooling in adversity had been the severest.

This man of saintly face, and from whose thin and straggling beard and stately brow there glittered the eyes of an eagle, bespoke the genius that he was. But for his scholastic deficiency he would have been prominent in the minds of the members as one of the coming bishops. His reputation and presence lent to his popularity in the Conference, and the conviction grew that he was one worthy to bear the mantle of a bishop. At any rate he was chosen.

The opportunity being given Bishop Marvin for a wider field of oratory than the contracted spheres in which he had moved, he at once took rank as one of the great orators of the time. The common people, as well as the most scholarly, heard him gladly. His prodigious force, comprehensive sweep of thought, unquestioned piety, and often ornate expression of rhetoric made him an orator of universal popularity.

In some respects, one of the most remarkable pulpit orators of the South was Dr. William Williams, of the Southern Baptist Theological Seminary. He was a man of profound piety, and of a style of marvelous simplicity in discourse. In unravelling the profoundest of subjects it was done with a simplicity that would enable the unlearned to comprehend them. In his preaching he dealt largely in the plainest Saxon terms, and made luminous the most difficult of truths. His extreme modesty amounting almost to shyness sometimes, was a serious barrier to his reputation as an orator of extensive fame, but whenever he preached, he was exceedingly impressive.

Associated with Dr. Williams in the Southern Baptist Theological Seminary was Dr. John A. Broadus, than whom the denomination never had a more charming preacher. For a period of years he held a dominant place in the Southern pulpit. His scholarship was both comprehensive and profound, and yet his preaching was listened to with delight by the most ordinary. His preaching was many-sided—simple, suggestive, searching, convincing, unctuous, and deeply spiritual. His service as a preacher was sought in every quarter of the Union. His manner was modest and unassuming, his delivery quiet and unostentatious, but the quality of his preaching was superior. The South has never produced a more popular pulpit orator than Dr. Broadus.

Conspicuous among the bishops of the M. E. Church, South, was Holland N. McTyerie. His preaching was of the stalwart mold, being ponderous alike in thought and diction. His massive mind led to the consideration of the great themes of the gospel with which he dealt in a masterful way. In his official capacity Bishop McTyerie was regarded the

statesman of his church, and was chiefly entrusted with the weightier matters of management. To his management and influence the church is indebted for Vanderbilt University. It was he who procured both the original and the subsequent contributions from the Vanderbilts, by means of which that institution has become one of the first of the land. As a pulpit orator he was popular in all parts of the South, and for many years was conspicuous in his contributions of strength to the elevation of the divers interests of this section.

One of the most remarkable products of the M. E. Church, South, was Dr. William E. Munsey. His power alike in the pulpit and on the platform was extraordinary. In some respects Munsey was a prodigy. Without prepossession of person, and totally wanting in any visible means of commendation to an audience of strangers, he never failed of captivating any assemblage which he faced. The glow of warmth which gave soul to his words as he rapidly advanced into his discourse, and his extraordinary vocabulary soon gained the eye and ear of every one present. His oratory was rhapsodical, and the fire of the orator communicated a sympathetic blaze to every heart. His thought was fresh and rare, well out of the ordinary ruts, and his phraseology was equally so. Munsey's ability to summon and command a phraseology so far apart from the ordinary beaten paths, aroused wonder each time that he spoke. His discourse was a train of iridescence, soaring, careering, corruscating, and yet it was so in keeping with the spirit which propelled the speaker, that it seemed nothing was more befitting the occasion. Diction, thought, and speaker all seemed in full accord, after the discourse was thoroughly under way.

The greatest of the preachers in the Southern

states west of the Mississippi is Dr. B. H. Carroll, the president of the Southwestern Baptist Theological Seminary. For many years he has been the monarch of the pulpit in the Southwest. His merits as a pulpit orator came to be recognized years ago. Nor was this accorded by his denomination alone, it seems a matter of universal accord. Versatilely informed, for his reading has been vast and varied, his sermons teem with information drawn from many sources. Choice in diction, animated in delivery, cogent in argument, and often brilliant and poetical, Dr. Carroll wields great thought with ease, and never fails to catch the public ear. His biblical research is remarkable, and every scene and incident in the Bible seem ready to respond to his bidding, and to do service to the occasion. The record of Dr. Carroll as an orator has been a remarkable one.

Polished and scholarly, Bishop E. R. Hendricks is one of the most effective orators in the Southern pulpit. Naturally gifted, his numerous qualities have been burnished by scholastic culture, so that the man and orator may be described by the one term—elegant. Yet it is not an elegance that descends into the fastidious. On the other hand, it partakes of the highest type of robustness and masculinity. His thought is solid and compact, his discourse rotund and symmetrical. He eschews the petty tricks of the commonplace orator and relies on vigor, strength and principle to win his way to the heart and conscience. Bishop Hendricks is one of the intellectual giants of the Southern ministry. Alike with pen and word of mouth, he wields a wide influence, and has established a reputation as a pulpiteer throughout the states of the South.

For refined and finished oratory, imperial diction, and superior rhetoric, Dr. Edward T. Winkler, of the Baptist ministry, never had a superior among

the ministers of the South. He combined the oratorical vigor of Webster with the finish of Addison. Each word was fittingly chosen and placed, each sentence balanced. Still, his oratory was devoid of stiffness and stiltedness. His thought was invariably pitched on a high plane, and just as invariably sought the lines of elegance. Faultless in style and impressive in delivery, Dr. Winkler flourished for a generation as one of the distinguished orators of the Southern pulpit.

The South has never produced a more princely orator than Dr. James Boardman Hawthorne. His influence as an orator has been felt throughout the nation. Possessed of a majestic person, tall, dignified, handsome, he attracts attention in advance of the utterance of a syllable. Added to this is a voice of exceeding musical richness and cadence. In his discourses there is a combination of splendid diction, brilliant thought, unctuous sentiment, poetical resonance. At times, all his vast powers are diverted into the channel of ridicule and sarcasm.

In his manner there is the dash of the dramatic which lends flavor, and a sincerity of declaration which invariably challenges the deepest respect. As a champion reformer he has never had a superior. His splendid gifts have been devoted through a period of fifty years to the elevation of society, the banishment of wrong, and the salvation of the world. To all his imperial equipment of person and character is added the simplicity of the child. Plaudit however copiously expressed, has never affected him. His is the highest expression of oratory.

A man of rare mold was Bishop Attigus G. Haygood, of the M. E. Church, South. Great as preacher, teacher and reformer, he has left on his generation a profound impression. Too robust for maudlin sentimentalism, too elevated for surface sensation-

alism, too refined in sentiment for coarseness of expression, Bishop Haygood strode giant-like into the times in which he lived, and wrought that which created sentiment, that aroused sensation, and that shook the bulwarks of entrenched wrong.

As a model worthy of emulation, he presided for years over the destinies of thousands of youth in Emory College; as a preacher of prodigious force, he contended for righteousness, and as a reformer, he stood unblanched like a prophet of olden time, and not only said, but did. When nothing was more unpopular than to raise a voice in behalf of the recently emancipated slave, in the name of humanity, and in the name of God, with front undaunted Attigus G. Haygood strode far in advance of his generation and proclaimed himself the friend of the Negro. The catapult of popular criticism only served to stiffen and strengthen his nerve, and to engender fresher courage. As the sides of his character were turned to the public gaze, they revealed each equally the greatness of the man—teacher, preacher, patriot, counsellor, author—he was alike great in all.

Dr. Franklin H. Kerfoot deserves to be named among the great pulpit orators among Southern Baptists. A man of solid character, his preaching partook of the same cast. His oratory was not of the shining, but of the solid sort. His discourses were compact, his manner convincing. The sphere of his labors as pastor, as professor in the Southern Baptist Theological Seminary, and as corresponding secretary of the Home Mission Board gave to his pulpit oratory a large orbit, and he was easily accorded an advanced position in the Southern pulpit.

The oratory of Bishop Charles B. Galloway, of Mississippi, is of the chivalrous type. He has the dash of the cavalier alike in his life and in his preaching. Possessed of a princely stateliness he

arouses admiration wherever known, and his utterances are invariably accorded the merits of their just deserts. Without apparent attempt his method of expression is classically chiseled, while his address is direct. He was borne to the highest position in the Methodist church by dint of genuine merit, and is justly ranked not only one of the foremost leaders of the denomination of which he is a member, but of the country at large. Pleasing alike in the pulpit, and in the social circle, Bishop Galloway is a popular favorite. He is a bold and wise reformer, unsparing in his denunciation of vice, and loud in his commendation of right.

No more picturesque figure ever appeared in the Southern pulpit, or in that of the nation, than that of Rev. Sam Jones. By dint of peculiar genius he made an orbit all his own, and for a generation stood before the public as its unchallenged occupant. So many-sided was this remarkable man that he defies description. Quaint and droll he was, the embodiment of wit and humor, yet these were immensely subordinate to the powerful qualities of which he was the possessor. Never were these agencies more effectively diverted from the mere channel of merriment, and appropriated to the highest purposes, than when under the manipulation of Sam Jones. Racy as many of his original sayings are, they enclose potent truths and principles as the adamant envelopes the vein of gold. If they lent flavor and quaintness to his discourse, they injected dynamite that was fearful to the hollow and pretentious, the vicious and corrupting. His power of drollery, of irony, and of sarcasm was supreme, and was applied with a calmness and placidity so bewitching that it thrust consternation into the conscience, awoke to new sensibility the most dormant heart, and laid bare to the utmost the shams and follies by which many were

unconsciously controlled. That which other preachers would approach by intimation, he approached to expose by direct declaration. He would probe into the flintiest conscience and revise the sensitive nerve of duty; he would tear away the mask of pretension and lay bare the inner gangrene that was eating away the soul's vitals, and by a master stroke, often in invective, often in solicitous tenderness, often by the gentlest persuasion, start men on a new career. As preacher, reformer, lecturer before popular assemblages, in a transition period of reform, when a generation was reaching upward for higher ideals, Sam Jones was a preëminent leader.

Holding a prominent place among the pulpit orators of the South, Dr. Edgar Y. Mullins, the president of the Southern Baptist Theological Seminary, at Louisville, Ky., deserves a place in this record. Heroically working his way up from comparative obscurity, laboring in his youth as a telegraphic operator on one of the Texas railroads, he pushed his way through college, and through the seminary of which he is now the president. Between the extremes named, he has occupied some of the leading pulpits, both South and North, with distinguished ability. The wide sphere afforded by his present position as president of the Southern Baptist Theological Seminary, has led to his development as a leader in the great denomination of which he is a conspicuous member. Among the eminent qualities which he possesses may be named those of keen and fresh thought, striking originality of expression, comprehensiveness of administrative ability, extensive research of scholarship, independence of character, a ready manipulation of detail, and an attractive manner of pulpit delivery.

The frequent appearance of Dr. Mullins in the pulpits of the South, his extensive authorship of

learned works, and his direction of the largest theological seminary of the world, afford the amplest opportunity to wield a wide and wholesome influence. His modest disposition, unquestioned piety and ripe scholarship have won for him an eminent place alike in public esteem and in the affections of his denomination.

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CHAPTER IX.

HISTORY OF GENERAL ORATORY OF THE SOUTH.

ITH an increasing network of railroads and long-distance telephone lines, covering the map of every state in the South, the evolution this means in reality has often the first appearance of revolution, with the old order not only changing but disappearing. In the South of the present, the old order under which to be eloquent was to be thought of as almost superhuman, seems to be disappearing wholly under revolutionary conditions which promise soon to make everybody eloquent, and indeed have gone far in that direction already. Taking the South of the present diagonally across the map from the mouth of the Potomac (or let us say, from Delaware Bay) to the great bend in the Rio Grande at El Paso, those who follow that line or deflect from it in any direction will hardly be able to find a town on the map where eloquence is not a modern Southern habit, often shown in ways so characteristically modern as to seem unprecedented. The "Woman's Club," for example, has become an institution of every Southern State. The eloquence which belongs to morals, to literature, to patriotism, develops suddenly from the habits such organizations introduced among Southern women, once supposed to be voiceless, at least as far as public speaking is concerned. Whether it develops out of organizations, representing the patriotism of the Revolutionary War, that of the Confederacy, or simply that which belongs to the wish for education in literature and art or to social usefulness, it stands

for the same great forces of change represented by the network of railroad and telephone lines. It is primarily a force of closer organization, working outside of all governmental lines through purely voluntary means. From the standpoints of 1850 or even of 1880 at the South, the ability of Southern women to make the public addresses they do make, not only in their home towns and cities, but in conventions in the great convention cities of the country, would have been unimaginable. It would have been taken for granted in advance that by doing so, they would have lost standing as Southern ladies. What seems now to be revolution in this case, illustrates evolution in all others. From the graduating address at the seminary or college commencement, which when delivered by a young woman was called an "essay," to save the exception, it was not seemingly an advance over any "dead line," to read a "paper" on Shakespeare or Poe or Sidney Lanier before the literary club at its weekly or monthly meeting. To change the subject and deliver the address, still called a "paper" or an "essay," on the life and virtues of Robert E. Lee and George Washington was not revolutionary. It was the development of higher mind and higher patriotism, shown advancing in good order to higher and more gratifying results, as Southern women organized to defend the memories of the "Lost Cause." When they spoke publicly in that behalf, with manuscript or without, with notes or without, no one thought of asking whether they were reading essays or delivering orations or of saying that it could mean loss of caste for them as ladies. So the further advance to the defense of the morals of the home, involving women in organizations allied with their churches for work looking finally to results through political legislation, was almost equally imperceptible. As

a result of such imperceptible changes, the Twentieth Century South hardly has a town of five hundred people which is not at least as completely equipped with its local "outfit" of public speakers, male and female, as it is with other "modern improvements," including of course the electric light plant, the telephone exchange and the interurban electric railroad, either begun or projected to connect with the towns on the lines of steam railroads. The president and directors of the "Board of Trade" or "Chamber of Commerce" can make public addresses at home and deliver addresses from platform or floor in any state or national convention they are called on to attend in the interest of town, state or nation. The county superintendent of education, the principal of the public school, the president of the college, the president and professors in the university are no longer thought of as remarkable because they can speak eloquently in public on any subject they are called on to discuss. They would be thought remarkable if they could not. This is almost in the same measure true of the bank president, or the leading dry goods merchant or of any one else who leads in any line whatever. Under the constant work of closer organization in business, education and social life as well as in politics, any one who attends a representative gathering of any kind among the hundreds held yearly, is expected to be able to speak well in public. Usually, if he has what is now a fixed and growing habit of attending conventions of all kinds from Chautauqua "assemblies" to commercial "congresses" and national improvement conventions, he himself expects not only to speak, but to speak well. He goes prepared to do so, by force of growing habit as well as of special preparation. The programme committee must make its

arrangements accordingly and it does. The programme of "set addresses" at gatherings of different kind from states south of the Ohio and the Potomac, will cover almost if not quite every subject thought of at all during any given year. This year or next, it will include everything which can be imagined in advance and much perhaps that cannot. It must include also, and it certainly will, full latitude for eloquence from the floor, which now represents the prophecy of the time when everybody will be orator enough to speak for himself and those he represents, at least as well in public as he does in private.

As oratory means public speaking, giving efficient expression to the mind of the speaker for a purpose recognized as of public use, it has now broken down all lines of restraint so fully that any one who really wishes to pass them, can pass them imperceptibly as far as the public is concerned. If he finds trouble in doing so and fails to mention it, it will not be suspected by the public. As this applies also to the sex line, it illustrates a sweeping change, taking place in hardly a generation and still in progress in the direction of even greater changes. If it comes to the South with the long distance telephone and similar agencies of far-reaching change; if two generations ago in the South, the pulpit and the "camp-meeting" stood for the beginnings of all that now extends beyond the limits of "political oratory," still the inspiration which comes back to the South now in modern forces of organization, came originally from the South and its orators, who first summed up the principles of American progress for America and the world.

The same causes which gave American literature its most marked development first in New England, gave American eloquence its first home in the South.

From the time when Jamestown was still standing in Virginia, to the present generation, oratory throve south of the Potomac and the Ohio as it has not thriven before in any country since it developed in Attica in the age of Pericles. In a single century, it did its greatest work in the history of the world in all centuries. Between the ringing of the "liberty bell" in Philadelphia in 1776 and the beginning of the last quarter of the Nineteenth century, the world had so advanced that we boasted the century as the greatest in all the world's age when we invited the world to join us in the celebration of our progress and its own at the completion of the first century of American national history. If we were right then in holding the United States the greatest country of the Nineteenth century, we will be right now in looking for the inspiration of its greatness in Southern eloquence.

When we turn back to 1876 and back from Philadelphia then to Philadelphia in 1776, it is to find the strongest word of progress in its great impulses for America and the world of the Nineteenth century, the spoken word of the South, beginning from the time when the South meant Virginia, the Carolinas and Georgia, south of the Potomac, with Maryland north of them. Whatever we concede to New England literature, we can claim for Southern oratory. We cannot follow it back of 1776 to 1676 when Bacon, Hansford and Drummond represented at Jamestown against obstruction, what went out as the inspiration of the world's progress, from the Virginia of Washington, Patrick Henry, Edmund Randolph and Thomas Jefferson. We cannot follow it as it leavened Europe with the forces of progress from the time of Burke and Chatham to that of Mazzini, Gladstone and Victor Hugo. But we can follow it in this country step by step in the

century of its advance across the continent. In this connection, it is necessary to do so, to understand the meaning of the history of the oratory of the South in its general relations to the development of the country.

Its results in the development of the United States, state by state, can be traced on any map as clearly and with the same certainty as those of railroads, telegraph lines or any other material manifestation of the progress it inspired. If we begin with the Virginia of Patrick Henry and of Jefferson, the history of oratory crosses the Alleghanies and distributes its forces from its Virginia bases, its base in the Carolinas and in Georgia, west, southwest and northwest, along the lines progress still follows.

To begin in Virginia, we find its original impulses at work as a tradition inspiring not only in its own second generation of famous orators, the younger men of the colonial period, surviving into the Nineteenth century and represented by John Randolph, Wirt, Madison and Monroe, but in the first generation of Kentucky orators, of Tennessee orators, of Ohio, Indiana and Illinois orators, of orators in Missouri and the states of the central South and Southwest. As the "mill-boy of the slashes" of Hanover county, Virginia, Henry Clay is only one of many, North and South of the Ohio River, in states it may be fairly said Virginia colonized with orators. In the second generation during the Nineteenth century, they were often born in Kentucky, Tennessee or Missouri and, as it were, forwarded from those states as way stations of the country's development, from Atlantic to Pacific. The Carolinas, especially North Carolina for the "border states" on both sides the Ohio, were not far behind Virginia at any time, and sometimes not at all be-

hind, in this colonization of a continent with eloquence. If we must associate with Virginia as well as with Kentucky, the history and the memories which belong to the name of Clay in pleas for progress and for peace, we are bound equally to associate with Tennessee and North Carolina all that belongs to the name of Benton, when in Missouri, he spoke for the country and the world of the future, in his plea for the first transcontinental railroad, as facing his audience to the East, he turned suddenly to the West and pointing to the Pacific, spoke the sentence: "There is the East, there is India." That sentence now connects the Atlantic coast with the Pacific by rail and with Asia by cable, and it is enough in itself to explain what it meant when it was said, in writing the history of the eloquence of the South, that it has given its compelling power as an inspiration of progress for the country and the world. To find the shibboleths of progress, the countersigns of liberation for the advance of the Nineteenth century, developing all the Twentieth century means in the United States, is to find that usually they come as clearly from the eloquence of the South as in this case.

When Kentucky supplies Jefferson Davis to Mississippi and sends Abraham Lincoln to Illinois, the forces of evolution operating into American history through Kentucky from their original Southern base, cannot be charged with partiality. If from Virginia and the Carolinas, through Kentucky, Tennessee and Alabama, we follow history to Texas, we find Houston and Crockett, as in Arkansas we find Garland, in Ohio, Thurman and Pendleton and in every state of the Mississippi Valley and the Pacific coast, this same connected development, clearly to be traced from its origins in the original home of American eloquence.

The contrast between strained pathos and broad humor belongs to the habit of speaking in climaxes, now disappearing. At the South, wit in its original sense, rose to its highest in the oratory of the United States, and high above the American and modern idea of the meaning of wit. It is in the Attic sense that Southern eloquence is most witty and in that sense it is the wittiest of the world of English speech. Attic wit at its highest had no element of humor in it, differing in this from the Latin, from the French and from all forms of modern wit now recognized as such. In oratory, this modern definition of wit is largely due to Cicero, who not only premeditated humor, but worked laboriously to make it appear unpremeditated, thinking out puns and plays on words, sometimes as forced as those of modern newspaper supplements, and introducing them in his orations, to please his audience and his own ear for such contradictory disclosures of unexpected connections in sound and sense. The element which belongs to true wit in wit of this character, is suddenness in disclosing ideas with a force belonging only to the unexpected when it is suddenly realized.

As wit in its modern sense belongs to eloquence after dinner, the South has produced no Depew and is not likely soon to do so. But the power in the first great after-dinner speech, unmistakably historical, was that of Southern eloquence in Henry W. Grady, speaking for the Old South and the New at a New England dinner on Forefather's Day as it was celebrated in Boston. It is a remarkable coincidence that the most memorable after-dinner speech in the half century preceding, was also made at a New England dinner, this time not in Boston but in New Orleans. The speaker was Sergeant Smith Prentiss, of Mississippi, almost worshipped in that state for his eloquence, but entitled by birth in Maine to speak

on "Forefathers Day" when the New Englanders of New Orleans celebrated it. The "little red school house" had in that speech its first adequate panegyric. It was at New Orleans also that in 1870, a quarter of a century after the address by Prentiss, Benjamin Morgan Palmer enriched the permanent literature of eulogy by comparing the influence of George Washington and Robert E. Lee as representatives of the highest tradition of the South, to the radiance of "those binary stars which open their glory and shed their splendor on the darkness of the world." As a single sentence, suddenly disclosing all the meaning of a long address and carrying its meaning still far forward, this belongs to the same order of metaphor with those in the most celebrated passage of Burke, the climax of his eulogy of Marie Antoinette. There are passages of the same kind in the panegyric of Grady by John Temple Graves of Georgia. Southern eloquence often makes such successes in imitation of classical models of eulogy. As this belongs to panegyric of the dead, it has its limitation in the feeling that nothing but good is to be spoken of them. In a higher field of eloquence, Southern oratory has been at its best in eulogy of always living principles. Making its first step beyond the political panegyric of the principles of American freedom and progress and seeking the universal, the Southern school of eloquence appeared in Boston, with Poe pleading from the platform for "The Poetic Principle," eulogizing it from the same deep affection of mind Grady felt at heart when he moved the heart of Massachusetts and the American people with his tribute to the faithful slaves of the South, as he pictured them in the War of Secession guarding the wives and widows of white Southerners who had fallen wounded or dead in battle. As a poet of the period when Dickens, Thackeray and

Macaulay were pioneers of the "literary address" in England, Poe was one of its pioneers in America, representing the Virginia tradition as it is now represented once more by such masters of this style of eloquence as Woodrow Wilson. From Sidney Lanier to Cable and Samuel L. Clemens, the Southern tradition which goes out from the university or from the closet of the literary worker has made its appeal and shown its power, not always within the borders of the "Old South," but always under the influence which give its best expression the same power the tradition of the Old South never failed to exercise when it found expression for its own best as the best waiting higher expression in the minds of all men.

"Liberty and eloquence are united in all ages," said William C. Preston. "When the sovereign power is found in the public mind and the public heart, eloquence is the obvious approach to it. Power and honor and all that can attract ardent and aspiring natures attend it. The noblest instinct is to propagate the spirit, to 'make our minds, the minds of other men.' "

Perhaps no other single sentence does so much to explain the eloquence of the South in the beginnings of its golden age which, we may hope, is not to have its end until its law is fufilled in all things to the last jot and tittle as it has been in the great things of its beginnings. The appeal to the public mind and the public heart began in the recognition of the independence of the public heart and mind, as a right liberating it from all control alien to its own best. It recognized sympathy with this best as the supreme power and as the only lawful means of exercising power over others under the supreme law of mind and heart. As the golden age of eloquence in Greece was showing its great beginnings, there were

altars in Athens to every god who represented power, to every god the past age could imagine as either possible in heaven or potent on earth. The unfolding mind of the highest race of the old world, reaching its own highest, found one divinity yet unhonored, and recognized the final need of the last altar civilization can set up to support itself in its own divine right. Athens built this last altar to "Persuasion," to the divine light as higher, stronger and more fully expressing the will and power of heaven than the divine lightning. "The noblest instinct is to propagate the spirit." As the spirit of the South was moved to propagate its own best through appeal for sympathy to what is best in all men, and for all men, the golden age of eloquence began in the new world, with all it had gained when the old world learned to make sacrifice on the altar of Persuasion as the highest power of civilization.

William Vincent Byars,

Author of the Handbook of Oratory; Managing Editor of the World's Best Orations, etc.

EDITOR'S INTRODUCTION TO THE SPEECHES AND ORATIONS.

IT has been our purpose in making up the volume on Southern Oratory to select those men whose eloquence influenced opinions and events. Of course, this rule could not be applied to literary addresses, after-dinner speeches, wit and humor, and college and university oratory. The first speech of Patrick Henry is that which William Wirt composed, after the most diligent research to ascertain what the unrivalled orator actually said. The second is the official report. Of the first, Mr. Jefferson declared that it set the ball of the Revolution in motion; of the second, it may be claimed that it is a fair sample of the argument in favor of the States Rights school as against the Nationalists. This is true also of the speech of Luther Martin, which follows.

The specimen of Clay's oratory fairly represents his general style, and it was this speech that caused the bitter feud between him and Andrew Jackson, a quarrel followed by lasting and nationally important results.

William Pinkney's elaborate address on the Missouri Compromise has been pronounced to be the finest constitutional argument ever made in congress. Some consider it superior in eloquence and reasoning power to Webster's "Reply to Hayne."

None of Robert Toombs's great stump speeches were reported in shorthand—not even his passionate appeal to the Milledgeville secession convention. The editor has therefore given, as illustrative of the manner of the Southern Mirabeau, his farewell address to the senate.

For similar reasons, Benj. H. Hill's "Flag Speech" is selected.

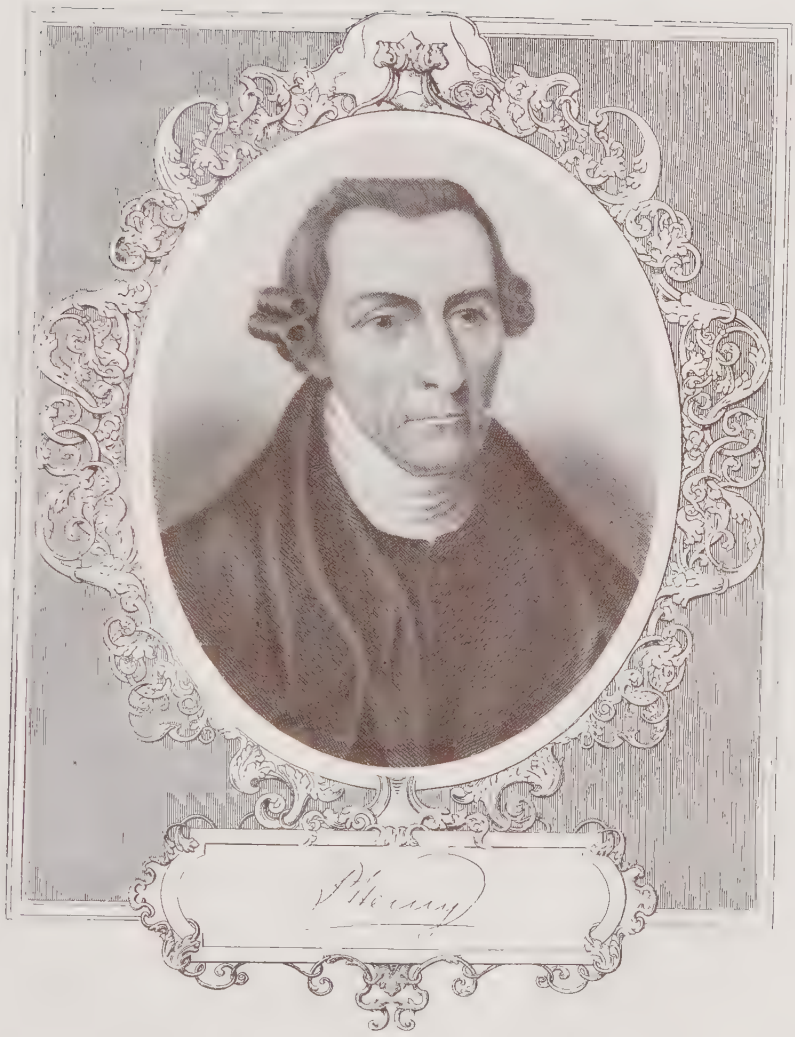
One afternoon, at Liberty Hall, Mr. Stephens was reminded, by the writer, of a newspaper description of the wonderful impression made on the house of representatives by his address on the Oregon question. The emaciated prisoner of the roller-chair responded, in a wistful tone, "Yes, I reached my highest flight in that speech." Out of affectionate reverence for the good statesman's memory, the editor has chosen the peroration of that, his loftiest flight.

Jefferson Davis's leave-taking of the senate is chosen because it reveals the manner of man he was, as no formal description could so convincingly do. Besides, it is typical of him as a public speaker.

The Andrew Johnson selection is fairly representative of what was said "on the other side," and of the intensely earnest and bitter eloquence which had so much to do with sending a quarter-million Southern men into the Union armies, during the war.

The editor's regret is deep that he has been unable to secure one of Yancey's burning impromptus. As is the case with Toombs, Hill, Stephen, McDuffie, Legaré, and so many others, their best things are lost.

T. E. W.



PATRICK HENRY.

THE APPEAL TO ARMS.

[Speech in the Convention of Delegates of Virginia, March 23, 1775.]

Mr. President:

No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the house. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen if, entertaining, as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve. This is no time for ceremony. The question before the house is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at truth and fulfil the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offense, I should consider myself as guilty of treason toward my country, and of an act of disloyalty toward the Majesty of Heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous

struggle for liberty? Are we disposed to be of the number of those, who, having eyes, see not, and, having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the house. Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us; they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument?

Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable, but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne! In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained —we must fight! I repeat it, sir; we must fight! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effec-

tual resistance by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come! I repeat, sir, let it come.

It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, peace—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here, idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!

EXTRACT FROM SPEECH ON THE FEDERAL CONSTITUTION.

The preamble and the two first sections of the first article of the constitution being under consideration, Mr. Henry thus addressed the convention:

Mr. Chairman: The public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say that they are exceedingly uneasy, being brought from that state of full security, which they enjoy, to the present delusive appearance of things. Before the meeting of the late Federal convention at Philadelphia, a general peace and an universal tranquility prevailed in this country, and the minds of our citizens were at perfect repose; but since that period, they are exceedingly uneasy and disquieted. When I wished for an appointment to this convention, my mind was extremely agitated for the situation of public affairs. I conceive the republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system; it arises from a proposal that goes to the utter annihilation of the most solemn engagements of the states into a confederacy, to the eventual exclusion of four states. It goes to the annihilation of those solemn treaties we have formed with foreign nations. The present circumstances of France, the good offices rendered us by that kingdom, require our most faithful and most punctual adherence to

our treaty with her. We are in alliance with the Spaniards, the Dutch, the Prussians: those treaties bound us as thirteen states, confederated together. Yet here is a proposal to sever that confederacy. Is it possible that we shall abandon all our treaties and national engagements? And for what? I expected to have heard the reasons of an event so unexpected to my mind, and many others. Was our civil polity or public justice endangered or sapped? Was the real existence of the country threatened, or was this preceded by a mournful progression of events? This proposal of altering our federal government is of a most alarming nature: make the best of this new government—say it is composed of anything but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for, instead of securing your rights, you may lose them forever. If a wrong step be now made, the republic may be lost forever. If this new government will not come up to the expectation of the people, and they should be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost. It will be necessary for this convention to have a faithful historical detail of the facts that preceded the session of the federal convention, and the reasons that actuated its members in proposing an entire alteration of government—and to demonstrate the dangers that awaited us. If they were of such awful magnitude as to warrant a proposal so extremely perilous as this, I must assert that this convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late federal convention. I am sure they were fully impressed

with the necessity of forming a great consolidated government, instead of a confederation. That this is a consolidated government is demonstrably clear; and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand, what right had they to say, "We, the People"? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who authorized them to speak the language of, "We, the People," instead of We, the States? States are the characteristics and the soul of a confederation. If the states be not the agents of this compact, it must be one great consolidated national government of the people of all the states. I have the highest respect for those gentlemen who formed the convention; and were some of them not here, I would express some testimonial of esteem for them. America had on a former occasion put the utmost confidence in them; a confidence which was well placed; and I am sure, sir, I would cheerfully confide in them as my representatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man, who saved us by his valor, I would have a reason for his conduct; that liberty which he has given us by his valor tells me to ask this reason, and sure I am, were he here, he would give us that reason: but there are other gentlemen here, who can give us this information. The people gave them no power to use their name. That they exceeded their power is perfectly clear. It is not mere curiosity that actuates me; I wish to hear the real, actual, existing danger which should lead us to take those steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, sir, no dangers, no insurrection or tumult has happened; everything has been calm and tranquil. But not-

withstanding this, we are wandering on the great ocean of human affairs. I see no landmark to guide us. We are running we know not whither. Difference in opinion has gone to a degree of inflammatory resentment, in different parts of the country, which has been occasioned by this perilous innovation. The federal convention ought to have amended the old system; for this purpose they were solely delegated; the object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member, to know what danger could have arisen under the present confederation, and what are the causes of this proposal to change our government.

LUTHER MARTIN.

PORTION OF THE REPORT OF THE PROCEEDINGS OF THE GENERAL CONVENTION HELD AT PHILADELPHIA IN 1787.

By the principles of the American Revolution, arbitrary power may, and ought to be resisted even by arms if necessary. The time now may come when it shall be the duty of a state, in order to preserve itself from the oppression of the general government, to have recourse to the sword—in which case the proposed form of government declares, that the state, and every one of its citizens who act under its authority, are guilty of a direct act of treason; reducing by this provision the different states to this alternative, that they must tamely and passively yield to despotism, or their citizens must oppose it at the hazard of the halter if unsuccessful—and reducing the citizens of the state which shall take arms, to a situation in which they must be exposed to punishment, let them act as they will, since if they obey the authority of their state government, they will be guilty of treason against the United States—if they join the general government they will be guilty of treason against their own state.

To save the citizens of the respective states from this disagreeable dilemma, and to secure them from being punishable as traitors to the United States, when acting expressly in obedience to the authority of their own state, I wished to have obtained as an amendment to the third section of this article, the following clause:

"Provided, That no act or acts done by one or more of the states against the United States, or by any citizen of any one of the United States under the authority of one or more of the said states, shall be deemed treason or punished as such; but in case of war being levied by one or more of the states against the United States, the conduct of each party towards the others, and their adherents respectively, shall be regulated by the laws of war and of nations."

But this provision was not adopted, being too much opposed to the great object of many of the leading members of the convention, which was by all means to leave the states at the mercy of the general government, since they could not succeed in their immediate and entire abolition.

By the third section of the fouth article, no new state shall be formed or erected within the jurisdiction of any other state, without the consent of the legislature of such state.

There are a number of states which are so circumstanced, with respect to themselves and to the other states, that every principle of justice and sound policy requires their dismemberment or division into smaller states. Massachusetts is divided into two districts, totally separated from each other by the state of New Hampshire, on the northeast side of which lies the province of Maine and Sagadohock, more extensive in point of territory, but less populous than old Massachusetts, which lies on the other side of New Hampshire. No person can cast his eye on the map of that state but he must in a moment admit that every argument drawn from convenience, interest, and justice, requires that the provinces of Maine and Sagadohock should be erected into a new state, and that they should not be compelled to remain connected with old Massachusetts under all the inconveniences of their situation.

The state of Georgia is larger in extent than the whole island of Great Britain, extending from its sea coast to the Mississippi, a distance of eight hundred

miles or more; its breadth for the most part, about three hundred miles. The states of North Carolina and Virginia in the same manner reach from the sea coast to the Mississippi.

The hardship, the inconvenience, and the injustice of compelling the inhabitants of those states who may dwell on the western side of the mountains, and along the Ohio and Mississippi rivers to remain connected with the inhabitants of those states respectively, on the Atlantic side of the mountains, and subject to the same state governments, would be such as would, in my opinion, justify even recourse to arms, to free themselves from, and to shake off so ignominious a yoke.

This representation was made in convention, and it was further urged that the territory of these states was too large, and that the inhabitants thereof would be too much disconnected for a republican government to extend them its benefits, which is only suited to a small and compact territory. That a regard also for the peace and safety of the Union, ought to excite a desire that those states should become in time divided into separate states, since when their population should become proportioned in degree to their territory, they would from their strength and power become dangerous members of a federal government. It was further said that if the general government was not by its constitution to interfere, the inconvenience would soon remedy itself, for that as the population increased in those states, their legislatures would be obliged to consent to the erection of new states to avoid evils of a civil war; but as by the proposed constitution the general government is obliged to protect such state against domestic violence, and consequently will be obliged to assist in suppressing such commotions and insurrections as may take place from the struggle to have

new states erected, the general government ought to have a power to decide upon the propriety and necessity of establishing or erecting a new state, even without the approbation of the legislature of such states, within whose jurisdiction the new state should be erected, and for this purpose I submitted to the convention the following proposition: "That on the application of the inhabitants of any district of territory within the limits of any of the states, it shall be lawful for the legislature of the United States, if they shall under all circumstances think it reasonable, to erect the same into a new state, and admit it into the Union without the consent of the state of which the said district may be a part." And it was said, that we surely might trust the general government with this power with more propriety than with many others with which they were proposed to be intrusted—and that as the general government was bound to suppress all insurrections and commotions which might arise on this subject, it ought to be in the power of the general government to decide upon it, and not in the power of the legislature of a single state, by obstinately and unreasonably opposing the erection of a new state to prevent its taking effect, and thereby extremely to oppress that part of its citizens, which live remote from, and inconvenient to the seat of its government, and even to involve the Union in war to support its injustice and oppression. But, upon the vote being taken, Georgia, South Carolina, North Carolina, Virginia, Pennsylvania, Massachusetts, were in the negative. New Hampshire, Connecticut, Jersey, Delaware, and Maryland were in the affirmative. New York was absent.

That it was inconsistent with the rights of free and independent states to have their territory dismembered without their consent was the principal argument used by the opponents of this proposition. The

truth of the objection we readily admitted, but at the same time insisted that it was not more inconsistent with the rights of free and independent states than that inequality of suffrage and power which the larger states had extorted from the others; and that if the smaller states yielded up their rights in that instance, they were entitled to demand from the states of extensive territory a surrender of their rights in this instance; and in a particular manner, as it was equally necessary for the true interest and happiness of the citizens of their own states, as of the Union. But, sir, although when the large states demanded undue and improper sacrifices to be made to their pride and ambition, they treated the rights of free states with more contempt than ever a British parliament treated the rights of her colonial establishment; yet when a reasonable and necessary sacrifice was asked from them, they spurned the idea with ineffable disdain. They then perfectly understood the full value and the sacred obligation of states' rights, and at the least attempt to infringe them where they were concerned, they were tremblingly alive and agonized at every pore.

When we reflect how obstinately those states contended for that unjust superiority of power in the government, which they have in part obtained, and for the establishment of this superiority by the constitution—when we reflect that they appeared willing to hazard the existence of the Union rather than not to succeed in their unjust attempt—that should their legislatures consent to the erection of new states within their jurisdicion, it would be an immediate sacrifice of that power, to obtain which they appeared disposed to sacrifice every other consideration. When we further reflect that they now have a motive for desiring to preserve their territory entire and unbroken, which they never had before—the

gratification of their ambition in possessing and exercising superior power over their sister states—and that this constitution is to give them the means to effect this desire of which they were formerly destitute—the whole force of the United States pledged to them for restraining intestine commotions, and preserving to them the obedience and subjection of their citizens, even in the extremest part of their territory; I say, sir, when we consider these things, it would be too absurd and improbable to deserve a serious answer, should any person suggest that these states mean ever to give their consent to the erection of new states within their territory: some of them, it is true, have been for some time past amusing their inhabitants in those districts that wished to be erected into new states, but should this constitution be adopted armed with a sword and halter, to compel their obedience and subjection, they will no longer act with indecision; and the state of Maryland may, and probably will be called upon to assist with her wealth and her blood in subduing the inhabitants of Franklin, Kentucky, Vermont, and the provinces of Maine and Sagadohock, in compelling them to continue in subjection to the states which respectively claim jurisdiction over them.

Let it not be forgotten at the same time, that a great part of the territory of these large and extensive states, which they now hold in possession, and over which they now claim and exercise jurisdiction, were crown lands, unlocated and unsettled when the American Revolution took place—lands which were acquired by the common blood and treasure, and which ought to have been the common stock, and for the common benefit of the Union. Let it be remembered that the state of Maryland was so deeply insensible of the injustice that these lands should be held by particular states for their own emolument,

even at a time when no superiority of authority or power was annexed to extensive territory, that in the midst of the late war and all the dangers which threatened us, it withheld for a long time its assent to the articles of confederation for that reason, and when it ratified those articles it entered a solemn protest against what it considered so flagrant injustice: but, sir, the question is not now whether those states shall hold that territory unjustly to themselves, but whether by that act of injustice they shall have superiority of power and influence over the other states, and have a constitutional right to domineer and lord it over them—nay, more, whether we will agree to a form of government, by which we pledge to those states the whole force of the Union to preserve to them their extensive territory entire and unbroken, and with our blood and wealth to assist them, whenever they please to demand it, to preserve the inhabitants thereof under their subjection, for the purpose of increasing their superiority over us—of gratifying their unjust ambition—in a word, for the purpose of giving ourselves masters, and of riveting our chains!

The part of the system which provides that no religious test shall ever be required as a qualification to any office or public trust under the United States was adopted by a great majority of the convention, and without much debate—however, there were some members so unfashionable as to think that a belief of the existence of a Deity, and of a state of future rewards and punishments would be some security for the good conduct of our rulers, and that in a Christian country it would be at least decent to hold out some distinction between the professors of Christianity, and downright infidelity or paganism.

The seventh article declares, that the ratification of nine states shall be sufficient for the establish-

ment of this constitution between the states ratifying the same.

It was attempted to obtain a resolve that if seven states, whose votes in the first branch should amount to a majority of the representation in that branch, concurred in the adoption of the system, it should be sufficient, and this attempt was supported on the principle that a majority ought to govern the minority; but to this it was objected, that although it was true, after a constitution and form of government is agreed on, in every act done under and consistent with that constitution and form of government, the act of the majority, unless otherwise agreed in the constitution, should bind the minority, yet it was directly the reverse in originally forming a constitution, or dissolving it—that in originally forming a constitution, it was necessary that every individual should agree to it to become bound thereby—and that when once adopted, it could not be dissolved by consent, unless with the consent of every individual who was party to the original agreement —that in forming our original federal government, every member of that government, that is, each state, expressly consented to it; that it is a part of the compact made and entered into in the most solemn manner, that there should be no dissolution or alteration of that federal government without the consent of every state, the members of, and parties to, the original compact; that therefore no alteration could be made by the consent of a part of these states, or by the consent of the inhabitants of a part of the states, which could either release the states so consenting, from the obligation they are under to the other states, or which could in any manner become obligatory upon those states that should not ratify such alterations. Satisfied of the truth of these positions, and not holding ourselves at liberty to violate

the compact, which this state had solemnly entered into with the others, by altering it in a different manner from that which by the same compact is provided and stipulated, a number of the members, and among those the delegation of this state, opposed the ratification of this system in any other manner than by the unanimous consent and agreement of all the states.

By our original articles of confederation any alterations proposed are in the first place to be approved by Congress. Accordingly, as the resolutions were originally adopted by the convention, and as they were reported by the committee of detail, it was proposed that this system should be laid before Congress, for their approbation; but, sir, the warm advocates of this system fearing it would not meet with the approbation of Congress, and determined even though Congress and the respective state legislatures should disapprove the same, to force it upon them, if possible, through the intervention of the people at large, moved to strike out the words "for their approbation," and succeeded in their motion; to which, it being directly in violation of the mode prescribed by the articles of confederation for the alteration of our federal government, a part of the convention, and myself in the number, thought it a duty to give a decided negative.

Agreeably to the articles of confederation, entered into in the most solemn manner, and for the observance of which the states pledged themselves to each other, and called upon the Supreme Being as a witness and avenger between them, no alterations are to be made in those articles, unless after they are approved by Congress, they are agreed to, and ratified by the legislature of every state; but by the resolve of the convention this constitution is not to be ratified by the legislatures of the respective states, but

is to be submitted to conventions chosen by the people, and if ratified by them, is to be binding.

This resolve was opposed among others by the delegation of Maryland; your delegates were of opinion, that as the form of government proposed was, if adopted, most essentially to alter the constitution of this state, and as our constitution had pointed out a mode by which, and by which only, alterations were to be made therein, a convention of the people could not be called to agree to and ratify the said form of government without a direct violation of our constitution, which it is the duty of every individual in this state to protect and support. In this opinion, all your delegates who were attending were unanimous. I, sir, opposed it also upon a more extensive ground, as being directly contrary to the mode of altering our federal government established in our original compact; and, as such, being a direct violation of the mutual faith plighted by the states to each other, I gave it my negative.

I was of the opinion that the states considered as states, in their political capacity, are the members of the federal government; that the states in their political capacity, or as sovereignties, are entitled, and only entitled originally to agree upon the form of, and submit themselves to, a federal government, and afterwards by mutual consent to dissolve or alter it: That everything which relates to the formation, the dissolution, or the alteration of a federal government over states equally free, sovereign, and independent, is the peculiar province of the states in their sovereign or political capacity, in the same manner as what relates to forming alliances or treaties of peace, amity, or commerce, and that the people at large in their individual capacity have no more right to interfere in the one case than in the other: That according to these principles, we originally

acted in forming our confederation; it was the states as states, by their representatives in Congress, that formed the articles of confederation; it was the states as states, by their legislatures, who ratified those articles, and it was there established and provided, that the states as states, that is, by their legislatures, should agree to any alterations that should hereafter be proposed in the federal government, before they should be binding—and any alterations agreed to in any manner cannot release the states from the obligation they are under to each other by virtue of the original articles of confederation. The people of the different states never made any objection to the manner in which the articles of confederation were formed or ratified, or to the mode by which alterations were to be made in that government—with the rights of their respective states they wished not to interfere. Nor do I believe the people, in their individual capacity, would ever have expected or desired to have been appealed to on the present occasion, in violation of the rights of their respective states, if the favorers of the proposed constitution, imagining they had a better chance of forcing it to be adopted by a hasty appeal to the people at large (who could not be so good judges of the dangerous consequence), had not insisted upon this mode. Nor do these positions in the least interfere with the principle, that all power originates from the people, because when once the people have exercised their power in establishing and forming themselves into a state government, it never devolves back to them, nor have they a right to resume or again to exercise that power until such events take place as will amount to a dissolution of their state government:—And it is an established principle, that a dissolution or alteration of a federal government doth not dissolve the state governments which

compose it. It was also my opinion that upon principles of sound policy, the agreement or disagreement to the proposed system, ought to have been by the state legislatures, in which case, let the event have been what it would, there would have been but little prospect of the public peace being disturbed thereby—whereas, the attempt to force down this system, although Congress and the respective state legislatures should disapprove, by appealing to the people, and to procure its establishment in a manner totally unconstitutional, has a tendency to set the state governments and their subjects at variance with each other—to lessen the obligations of government—to weaken the bands of society—to introduce anarchy and confusion—and to light the torch of discord and civil war throughout this continent. All these considerations weighed with me most forcibly against giving my assent to the mode by which it resolved that this system is to be ratified, and were urged by me in opposition to the measure.

I have now, sir, in discharge of the duty I owe to this House, given such information as hath occurred to me, which I consider most material for them to know; and you will easily perceive from this detail, that a great portion of that time, which ought to have been devoted calmly and impartially to consider what alterations in our federal government would be most likely to procure and preserve the happiness of the Union, was employed in a violent struggle on the one side to obtain all power and dominion in their own hands, and on the other to prevent it; and that the aggrandizement of particular states, and particular individuals, appears to have been much more the subject sought after than the welfare of our country.

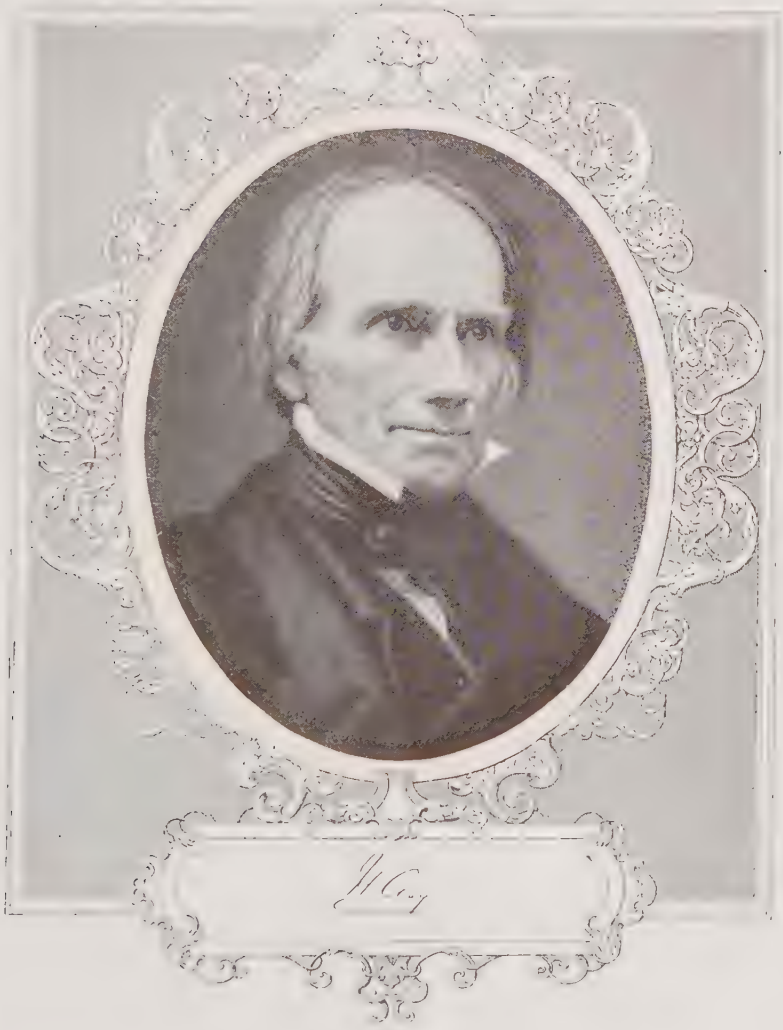
The interest of this state, not confined merely to itself, abstracted from all others, but considered rel-

atively, as far as was consistent with the common interest of the other states, I thought it my duty to pursue according to the best opinion I could form of it.

When I took my seat in the convention, I found them attempting to bring forward a system, which I was sure never had entered into the contemplation of those I had the honor to represent, and which, upon the fullest consideration, I considered not only injurious to the interest and rights of this state, but also incompatible with the political happiness and freedom of the states in general; from that time until my business compelled me to leave the convention, I gave it every possible opposition in every stage of its progress. I opposed the system there with the same explicit frankness with which I have here given you a history of our proceedings, and an account of my own conduct, which in a particular manner I consider you as having a right to know--while there I endeavored to act as became a freeman, and the delegate of a free state. Should my conduct obtain the approbation of those who appointed me, I will not deny it would afford me satisfaction; but to me that approbation was at most no more than a secondary consideration—my first was to deserve it; left to myself to act according to the best of my discretion, my conduct should have been the same, had I been even sure your censure would have been my only reward, since I hold it sacredly my duty to dash the cup of poison, if possible, from the hand of a state, or an individual, however anxious the one or the other might be to swallow it.

Indulge me, sir, in a single observation further:— There are persons who endeavor to hold up the idea that this system is only opposed by the officers of government. I, sir, am in that predicament. I have the honor to hold an appointment in this state. Had

it been considered any objection, I presume I should not have been appointed to the convention; if it could have had any effect on my mind, it would only be that of warming my heart with gratitude, and rendering me more anxious to promote the true interest of that state, which has conferred on me the obligation, and to heighten my guilt had I joined in sacrificing its essential rights: but, sir, it would be well to remember that this system is not calculated to diminish the number of the value of offices, on the contrary, if adopted, it will be productive of an enormous increase in their number; many of them will also be of great honor and emoluments. Whether, sir, in this variety of appointments, and in the scramble for them, I might not have as good a prospect to advantage myself as many others, is not for me to say; but this, sir, I can say with truth, that so far was I from being influenced in my conduct by interest, or the consideration of office, that I would cheerfully resign the appointment I now hold, I would bind myself never to accept another, either under the general government or that of my own state: I would do more, sir, so destructive do I consider the present system to the happiness of my country, I would cheerfully sacrifice that share of property with which heaven has blessed a life of industry—I would reduce myself to indigence and poverty, and those who are dearer to me than my own existence, I would intrust to the care and protection of that Providence who hath so kindly protected myself; if on those terms only, I could procure my country to reject those chains which are forged for it.


H Clay

HENRY CLAY.

SPEECH ON THE SEMINOLE WAR.

[The following speech on the report of the committee on military affairs, respecting the Seminole War, was delivered in the House of Representatives of the United States, on the 18th of January, 1819.]

Mr. Chairman: In rising to address you, sir, on the very interesting subject which now engages the attention of Congress, I must be allowed to say, that all inferences drawn from the course which it will be my painful duty to take in this discussion, of unfriendliness either to the chief magistrate of the country, or to the illustrious military chieftain whose operations are under investigation, will be wholly unfounded. Toward that distinguished captain, who shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had, I never can have, any other feelings than those of the most profound respect, and of the utmost kindness. I have no interest, other than that of seeing the concerns of my country well and happily administered. It is infinitely more gratifying to behold the prosperity of my country advancing by the wisdom of the measures adopted to promote it, than it would be to expose the errors which may be committed, if there be any, in the conduct of its affairs.

* * * * *

Having thus given my view of the nature and character of the propositions under consideration, I am far from intimating that it is not my purpose to go into a full, a free, and a thorough investigation of the facts, and of the principles of law, public, municipal, and constitutional, involved in them. And,

while I trust I shall speak with the decorum due to the distinguished officers of the government whose proceedings are to be examined, I shall exercise the independence which belongs to me as a representative of the people, in freely and fully submitting my sentiments.

In noticing the painful incidents of this war, it is impossible not to inquire into its origin. I fear that it will be found to be the famous treaty of Fort Jackson, concluded in August, 1814, and I must ask the indulgence of the chairman while I read certain parts of that treaty.

"Whereas, an unprovoked, inhuman, sanguinary war, waged by the hostile Creeks against the United States, hath been repelled, prosecuted and determined, successfully on the part of the said States, in conformity with the principles of national justice and honorable warfare; and whereas, consideration is due to the rectitude of proceedings dictated by instructions relating to the re-establishing of peace: Be it remembered that, prior to the conquest of that part of the Creek nation hostile to the United States, numberless aggressions had been committed against the peace, the property and the lives of citizens of the United States, and those of the Creek nation in amity with her, at the mouth of Duck River, Fort Mimms, and elsewhere, contrary to national faith and the regard due to an article of the treaty concluded at New York, in the year 1790, between the two nations; that the United States, previous to the perpetration of such outrage, did, in order to insure future amity and concord between the Creek nation and the said States, in conformity with the stipulations of former treaties, fulfil, with punctuality and good faith, her engagements to the said nation; that more than two-thirds of the whole number of chiefs and warriors of the Creek nation, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honor and the respect due to a part of their own nation faithful to the United States and the principles of humanity, by impostors, denominating themselves prophets, and by the duplicity and misrepresentations of foreign emissaries, whose governments are at war, open or understood, with the United States.

"Article 2—The United States will guaranty to the Creek nation the integrity of all their territory eastwardly and northwardly of the said line (described in the first article), to be run and described as mentioned in the first article.

"Article 3.—The United States demand that the Creek nation abandon all communication, and cease to hold intercourse with any British post, garrison, or town; and that they shall not admit among

them any agent or trader who shall not derive authority to hold commercial or other intercourse with them, by license of the President or other authorized agent of the United States.

"Article 4.—The United States demand an acknowledgment of the right to establish military posts and trading houses, and to open roads within the territory guaranteed to the Creek nation by the second article, and a right to the free navigation of all its waters.

"Article 5.—The United States demand that a surrender be immediately made of all the persons and property taken from the citizens of the United States, the friendly part of the Creek nation, the Cherokee, Chickasaw and Choctaw nations, to the respective owners; and the United States will cause to be immediately restored to the formerly hostile Creeks all the property taken from them since their submission, either by the United States or by any Indian nations in amity with the United States, together with all the prisoners taken from them during the war.

"Article 6.—The United States demand the capture and surrender of all the prophets and instigators of the war, whether foreigners or natives, who have not submitted to the arms of the United States and become parties to these articles of capitulation, if ever they shall be found within the territory guaranteed to the Creek nation by the second article.

"Article 7.—The Creek nation being reduced to extreme want, and not at present having the means of subsistence, the United States, from motives of humanity will continue to furnish gratuitously the necessaries of life, until the crops of corn can be considered competent to yield the nation a supply, and will establish trading-houses in the nation, at the discretion of the President of the United States, and at such places as he shall direct, to enable the nation, by industry and economy, to procure clothing."

I have never perused this instrument until within a few days past, and I have read it with the deepest mortification and regret. A more dictatorial spirit I have never seen displayed in any instrument. I would challenge an examination of all the records of diplomacy, not excepting even those made in the most haughty period of imperial Rome, when she was carrying her arms into the barbarian nations that surrounded her, and I do not believe a solitary instance can be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of peace. It consists of the most severe and humiliating demands—of the surrender of a large territory; of the privilege of making roads through

the remnant which was retained; of the right of establishing trading houses; of the obligation of delivering into our hands their prophets. And all this of a wretched people reduced to the last extremity of distress, whose miserable existence we have to preserve by a voluntary stipulation to furnish them with bread! When did the all-conquering and desolating Rome ever fail to respect the altars and the gods of those she subjugated? Let me not be told that these prophets were imposters who deceived the Indians. They were their prophets; the Indians believed and venerated them, and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts by the force of the bayonet, into the bosoms of other people. Mild and gentle persuasion was the great instrument employed by the meek founder of our religion. We leave to the humane and benevolent efforts of the reverend professors of Christianity to convert from barbarism those unhappy nations yet immersed in its gloom. But, sir, spare them their prophets! spare their delusions! spare their prejudices and superstitions! spare them even their religion, such as it is, from open and cruel violence. When, sir, was that treaty concluded? On the very day after the protocol was signed, of the first conference between the American and British commissioners, treating of peace, at Ghent. In the course of that negotiation, pretensions so enormous were set up by the other party that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of all parties was, to fight until the last man fell in the ditch rather than submit to such ignominious terms.

What a contrast is exhibited between the contemporaneous scenes of Ghent and of Fort Jackson! what a powerful voucher would the British commissioners have been furnished with, if they could have got hold of that treaty! The United States demand, the United States demand, is repeated five or six times. And what did the preamble itself disclose? That two-thirds of the Creek nation had been hostile, and one-third only friendly to us. Now I have heard (I cannot vouch for the truth of the statement), that not one hostile chief signed the treaty. I have also heard that perhaps one or two of them did. If the treaty were really made by a minority of the nation, it was not obligatory upon the whole nation. It was void, considered in the light of a national compact. And, if void, the Indians were entitled to the benefit of the provisions of the ninth article of the treaty of Ghent, by which we bound ourselves to make peace with any tribes with whom we might be at war on the ratification of the treaty, and to restore to them their lands, as they held them in 1811. I do not know how the honorable senate, that body for which I hold so high a respect, could have given their sanction to the treaty of Fort Jackson, so utterly irreconcilable as it is with those noble principles of generosity and magnanimity which I hope to see my country always exhibit, and particularly toward the miserable remnant of the aborigines. It would have comported better with those principles to have imitated the benevolent policy of the founder of Pennsylvania, and to have given to the Creeks, conquered as they were, even if they had made an unjust war upon us, the trifling consideration, to them an adequate compensation, which he paid for their lands. That treaty, I fear, has been the main cause of the recent war. And, if it has been, it only adds another mel-

ancholy proof to those with which history already abounds, that hard and unconscionable terms, extorted by the power of the sword and the right of conquest, serve but to whet and stimulate revenge, and to give old hostilities, smothered, not extinguished, by the pretended peace, greater exasperation and more ferocity. A truce, thus patched up with an unfortunate people, without the means of existence, without bread, is no real peace. The instant there is the slightest prospect of relief from such harsh and severe conditions, the conquered party will fly to arms, and spend the last drop of blood rather than live in such degraded bondage. Even if you again reduce him to submission, the expenses incurred by this second war, to say nothing of the human lives that are sacrificed, will be greater than what it would have cost you to grant him liberal conditions in the first instance. This treaty, I repeat, was, I apprehend, the cause of war. It led to the excesses on our southern borders which began it.

Who first recommended them, it is, perhaps, difficult to ascertain. There was, however, a paper on this subject, communicated at the last session by the President, that told in language pathetic and feeling, an artless tale; a paper that carried such internal evidence at least of the belief of the authors of it that they were writing the truth, that I will ask the favor of the committee to allow me to read it.

"To the Commanding Officer at Fort Hawkins.

"DEAR SIR:

"Since the last war, after you sent word that we must quit the war, we, the red people, have come over on this side. The white people have carried all the red people's cattle off. After the war, I sent to all my people to let the white people alone, and stay on this side of the river; and they did so; but the white people still continue to carry off their cattle. Bernard's son was here, and I inquired of him what was to be done; and he said we must go to the head man of the white people and complain. I did so, and there was no head white man, and there was no law in this case. The whites first

began, and there is nothing said about that; but great complaint about what the Indians do. This is now three years since the white people killed three Indians; since that time they have killed three other Indians, and taken their horses, and what they had; and this summer they killed three more; and very likely they killed one more. We sent word to the white people that these murders were done, and the answer was, that they were people who were outlaws, and we ought to go and kill them. The white people killed our people first; the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for. You have wrote that there were houses burned; but we know of no such thing being done; the truth, in such cases, ought to be told, but this appears otherwise. On that side of the river the white people have killed five Indians, but there is nothing said about that; and all that the Indians have done is brought up. All the mischief the white people have done ought to be told to their head man. When there is anything done, you write to us; but never write to your head man what the white people do. When the red people send talks or write, they always send the truth. You have sent to us for your horses, and we sent all that we could find; but there was some dead. It appears that all the mischief is laid on this town; but all the mischief that has been done by this town, is two horses; one of them is dead, and the other was sent back. The cattle that we are accused of taking were cattle that the white people took from us. Our young men went and brought them back, with the same marks and brands. There were some of our young men out hunting, and they were killed; others went to take satisfaction, and the kettle of one of the men that was killed was found in the house where the women and two children were killed; and they supposed it had been her husband who had killed the Indians, and took their satisfaction there. We are accused of killing the Americans, and so on; but since the word was sent to us that peace was made, we stay steady at home, and meddle with no person. You have sent to us respecting the black people on the Suwany river; we have nothing to do with them. They were put there by the English, and to them you ought to apply for anything about them. We do not wish our country desolated by an army passing through it, for the concern of other people. The Indians have slaves there also; a great many of them. When we have an opportunity, we shall apply to the English for them; but we cannot get them now.

"This is what we have to say at present.

"Sir, I conclude by subscribing myself,

Your humble servant, etc.

"September, the 11th day, 1817.

"N. B.—There are two towns have read this letter, and this is the answer.

"Wm. Bell, Aid-de-camp."

"*A true copy of the original.*"

I should be very unwilling to assert, in regard to this war, that the fault was on our side; I fear it was. I have heard that a very respectable gentleman, now no more, who once filled the executive chair of Georgia, and who, having been agent of Indian affairs in that quarter, had the best opportunity of judging of the origin of this war, deliberately pronounced it as his opinion, that the Indians were not in fault. I am far from attributing to General Jackson any other than the very slight degree of blame that attaches to him as the negotiator of the treaty of Fort Jackson, and will be shared by those who subsequently ratified and sanctioned that treaty. But if there be even a doubt as to the origin of the war, whether we were censurable or the Indians, that doubt will serve to increase our regret at any distressing incidents which may have occurred, and to mitigate, in some degree, the crimes which we impute to the other side. I know that when General Jackson was summoned to the field, it was too late to hesitate; the fatal blow had been struck, in the destruction of Fowl-town and the dreadful massacre of Lieutenant Scott and his detachment; and the only duty which remained to him, was to terminate this unhappy contest.

The first circumstance which, in the course of his performing that duty, fixed our attention, has filled me with regret. It was the execution of the Indian chiefs. How, I ask, did they come into our possession? Was it in the course of fair, and open, and honorable war? No; but by means of deception—by hoisting foreign colors on the staff from which the stars and stripes should alone have floated. Thus, ensnared, the Indians were taken on shore; and without ceremony, and without delay, were hung. Hang an Indian! We, sir, who are civilized, and can comprehend and feel the effect of moral causes

and considerations, attach ignominy to that mode of death. And the gallant, and refined, and high-minded man, seeks by all possible means to avoid it. But what cares an Indian whether you hang or shoot him? The moment he is captured, he is considered by his tribe as disgraced, if not lost. They, too, are indifferent about the manner in which he is despatched. But I regard the occurrence with grief, for other and higher considerations. It was the first instance that I know of, in the annals of our country, in which retaliation, by executing Indian captives, has ever been deliberately practised. There may have been exceptions, but if there were, they met with contemporaneous condemnation, and have been reprehended by the just pen of impartial history. The gentleman from Massachusetts may tell me, if he chooses, what he pleases about the tomahawk and scalping knife; about Indian enormities and foreign miscreants and incendiaries. I, too, hate them; from my very soul I abominate them. But I love my country and its constitution; I love liberty and safety, and fear military despotism more, even, than I hate the monsters. The gentleman, in the course of his remarks, alluded to the state from which I have the honor to come. Little, sir, does he know of the high and magnanimous sentiments of the people of that state, if he supposes they will approve of the transaction to which he referred. Brave and generous, humanity and clemency toward a fallen foe constitute one of their noblest characteristics. Amid all the struggles for that fair land, between the natives and the present inhabitants, I defy the gentleman to point out one instance, in which a Kentuckian had stained his hand by—nothing but my high sense of the distinguished services and exalted merits of General Jackson, prevents my using a different term—the execution of an unarmed and pros-

trate captive. Yes, there is one solitary exception, in which a man, enraged at beholding an Indian prisoner who had been celebrated for his enormities, and who had destroyed some of his kindred, plunged his sword into his bosom. The wicked deed was considered an abominable outrage when it occurred, and the name of the man has been handed down to the execration of posterity. I deny your right thus to retaliate on the aboriginal proprietors of the country; and unless I am utterly deceived, it may be shown that it does not exist. But before I attempt this, allow me to make the gentleman from Massachusetts a little better acquainted with those people, to whose feelings and sympathies he has appealed through their representative. During the late war with Great Britain, Colonel Campbell, under the command of my honorable friend from Ohio [General Harrison] was placed at the head of a detachment, consisting chiefly, I believe, of Kentucky volunteers, in order to destroy the Mississinaway towns. They proceeded and performed the duty, and took some prisoners. And here is the evidence of the manner in which they treated them.

"But the character of this gallant detachment, exhibiting, as it did, perseverance, fortitude and bravery, would, however, be incomplete, if in the midst of victory, they had forgotten the feelings of humanity. It is with the sincerest pleasure that the general has heard that the most punctual obedience was paid to his orders, in not only saving all the women and children, but in sparing all the warriors who ceased to resist; and that even when vigorously attacked by the enemy, the claims of mercy prevailed over every sense of their own danger, and this heroic band respected the lives of their prisoners. Let an account of murdered innocence be opened in the records of heaven, against our enemies alone. The American soldier will follow the example of his government, and the sword of the one will not be against the fallen and helpless, nor the gold of the other be paid for scalps of a massacred enemy."

I hope, sir, the honorable gentleman will now be able better to appreciate the character and conduct

of my gallant countrymen, than he appears hitherto to have done.

But, sir, I have said that you have no right to practice, under color of retaliation, enormities on the Indians. I will advance in support of this position, as applicable to the origin of all law, the principle, that whatever has been the custom, from the commencement of a subject, whatever has been the uniform usage, coeval and coexistent with the subject to which it relates, becomes a fixed law. Such is the foundation of all common law; and such, I believe, is the principal foundation of all public or international law. If, then, it can be shown that from the first settlement of the colonies, on this part of the American continent, to the present time, we have constantly abstained from retaliating upon the Indians the excesses practiced by them towards us, we are normally bound by this invariable usage, and cannot lawfully change it without the most cogent reasons. So far as my knowledge extends, from the first settlement at Plymouth or at Jamestown, it has not been our practice to destroy Indian captives, combatants or non-combatants. I know of but one deviation from the code which regulates the warfare between civilized communities, and that was the destruction of Indian towns, which was supposed to be authorized upon the ground that we could not bring the war to a termination but by destroying the means which nourished it. With this single exception, the other principles of the laws of civilized nations are extended to them, and are thus made law in regard to them.

When did this humane custom, by which, in consideration of their ignorance, and our enlightened condition, the rigors of war were mitigated, begin? At a time when we were weak, and they comparatively strong; when they were the lords of the soil,

and we were seeking, from the vices, from the corruptions, from the religious intolerance, and from the oppressions of Europe, to gain an asylum among them. And when is it proposed to change this custom, to substitute for it the bloody maxims of barbarous ages, and to interpolate the Indian public law with revolting cruelties? At a time when the situation of the two parties is totally changed—when we are powerful and they are weak—at a time when, to use a figure drawn from their own sublime eloquence, the poor children of the forest have been driven by the great wave which has flowed in from the Atlantic Ocean almost to the base of the Rocky Mountains, and, overwhelming them in its terrible progress, has left no other remains of hundreds of tribes, now extinct, than those which indicate the remote existence of their former companion, the mammoth of the new world! Yes, sir, it is at this auspicious period of our country, when we hold a proud and lofty station among the first nations of the world, that we are called upon to sanction a departure from the established laws and usages which have regulated our Indian hostilities. And does the honorable gentleman from Massachusetts expect, in this august body, this enlightened assembly of Christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity? Why is it that we have not practiced toward the Indian tribes the right of retaliation, now for the first time asserted in regard to them? It is because it is a principle proclaimed by reason, and enforced by every respectable writer on the law of nations, that retaliation is only justifiable as calculated to produce effect in the war. Vengeance is a new motive for resorting to it. If retaliation will produce no effect on the enemy, we are bound to abstain from it

by every consideration of humanity and of justice. Will it, then, produce effect on the Indian tribes? No; they care not about the execution of those of their warriors who are taken captive. They are considered as disgraced by the very circumstance of their captivity, and it is often mercy to the unhappy captive to deprive him of his existence. The poet evinced a profound knowledge of the Indian character, when he put into the mouth of a son of a distinguished chief, about to be led to the stake and tortured by his victorious enemy, the words:

> "Begin, ye tormentors! your threats are in vain:
> The son of Alkomook will never complain."

Retaliation of Indian excesses, not producing then any effect in preventing their repetition, is condemned by both reason and the principles upon which alone, in any case, it can be justified. On this branch of the subject much more might be said, but as I shall possibly again allude to it, I will pass from it for the present, to another topic.

It is not necessary, for the purpose of my argument in regard to the trial and execution of Arbuthnot and Ambrister, to insist on the innocency of either of them. I will yield for the sake of that argument, without inquiry, that both of them were guilty; that both had instigated the war; and that one of them had led the enemy to battle. It is possible, indeed, that a critical examination of the evidence would show, particularly in the case of Arbuthnot, that the whole amount of his crime consisted in his trading, without the limits of the United States, with the Seminole Indians, in the accustomed commodities which form the subject of Indian trade, and that he sought to ingratiate himself with his customers by espousing their interests, in regard to the provision of the treaty of Ghent, which he may

have honestly believed entitled them to the restoration of their lands. And if, indeed, the treaty of Fort Jackson, for the reasons already assigned, were not binding upon the Creeks, there would be too much cause to lament his unhappy if not unjust fate. The first impression made on the examination of the proceedings in the trial and execution of those two men is, that on the part of Ambrister there was the most guilt, but, at the same time, the most irregularity. Conceding the point of guilt of both, with the qualification which I have stated, I will proceed to inquire, first, if their execution can be justified upon the principles assumed by General Jackson himself. If they do not afford a justification, I will next inquire, if there be any other principles authorizing their execution; and I will in the third place make some other observations upon the mode of proceeding.

The principles assumed by General Jackson, which may be found in his general orders commanding the execution of these men, is, "that it is an established principle of the law of nations, that any individual of a nation making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate." Whatever may be the character of individuals waging private war, the principle assumed is totally erroneous when applied to such individuals associated with a power, whether Indian or civilized, capable of maintaining the relations of peace and war. Suppose, however, the principle were true, as asserted, what disposition should have been made of these men? What jurisdiction, and how acquired, has the military over pirates, robbers, and outlaws? If they were in the character imputed, they were alone amenable, and should have been turned over to, the civil authority. But the principle, I repeat, is to-

tally incorrect, when applied to men in their situation. A foreigner connecting himself with a belligerent, becomes an enemy of the party to whom that belligerent is opposed, subject to whatever he may be subject, entitled to whatever he is entitled. Arbuthnot and Ambrister, by associating themselves, became identified with the Indians; they became our enemies, and we had a right to treat them as we could lawfully treat the Indians. These positions are so obviously correct, that I shall consider it an abuse of the patience of the committee to consume time in their proof. They are supported by the practice of all nations, and of our own. Every page of history, in all times, and the recollection of every member, furnish evidence of their truth. Let us look for a moment into some of the consequences of this principle, if it were to go to Europe, sanctioned by the approbation, expressed or implied, of this House. We have now in our armies probably the subjects of almost every European power. Some of the nations of Europe maintain the doctrine of perpetual allegiance. Suppose Britain and America in peace, and America and France at war. The former subjects of England, naturalized and unnaturalized, are captured by the navy or army of France. What is their condition? According to the principle of General Jackson, they would be outlaws and pirates, and liable to immediate execution. Are gentlemen prepared to return to their respective districts with this doctrine in their mouths, and to say to their Irish, English, Scotch, and other foreign constituents, that they are liable, on the contingency supposed, to be treated as outlaws and pirates?

Is there any other principle which justifies the proceedings? On this subject, if I admire the wonderful ingenuity with which gentlemen seek a colorable pretext for those executions, I am at the same

time shocked at some of the principles advanced. What said the honorable gentleman from Massachusetts [Mr. Holmes], in a cold address to the committee? Why, that these executions were only the wrong mode of doing a right thing. A wrong mode of doing the right thing! In what code of public law; in what system of ethics; nay, in what respectable novel; where, if the gentleman were to take the range of the whole literature of the world, will he find any sanction for a principle so monstrous? I will illustrate its enormity by a single case. Suppose a man, being guilty of robbery, is tried, condemned, and executed, for murder, upon an indictment for that robbery merely. The judge is arraigned for having executed, contrary to law, a human being, innocent at heart of the crime for which he was sentenced. The judge has nothing to do to insure his own acquittal, but to urge the gentleman's plea, that he had done a right thing in a wrong way!

The principles which attached to the cases of Arbuthnot and Ambrister, constituting them merely "particeps" in the war, supposing them to have been combatants, which the former was not, he having been taken in a Spanish fortress, without arms in his hands, all that we could possibly have a right to do, was to apply to them the rules which we had a right to enforce against the Indians. Their English character was only merged in their Indian character. Now, if the law regulating Indian hostilities be established by long and immemorial usage, that we have no moral right to retaliate upon them, we consequently had no right to retaliate upon Arbuthnot and Ambrister. Even if it were admitted that, in regard to future wars, and to other foreigners, their execution may have a good effect, it would not thence follow that you had a right to execute them. It is not always just to do what may be advanta-

geous. And retaliation, during a war, must have relation to the events of that war, and must, to be just, have an operation on that war, and upon the individuals only who compose the belligerent party. It becomes gentlemen, then, on the other side, to show, by some known, certain, and recognized rule of public or municipal law, that the execution of these men was justified. Where is it? I should be glad to see it. We are told in a paper emanating from the Department of State, recently laid before this House, distinguished for the fervor of its eloquence, and of which the honorable gentleman from Massachusetts has supplied us in part with a second edition in one respect agreeing with the prototype—that they both ought to be inscribed to the American public—we are justly told in that paper, that this is the "first" instance of the execution of persons for the crime of instigating Indians to war. Sir, there are two topics which, in Europe, are constantly employed by the friends and minions of legitimacy against our country. The one is an inordinate spirit of aggrandizement—of coveting other people's good; the other is the treatment which we extend to the Indians. Against both these charges, the public servants who conducted at Ghent the negotiations with the British commissioners, endeavored to vindicate our country, and I hope with some degree of success. What will be the condition of future American negotiators when pressed upon this head, I know not, after the unhappy executions on our southern border.

To return to the case of Arbuthnot and Ambrister. Will the principle of these men having been the instigators of the war, justify their execution? It is a new one; there are no landmarks to guide us in its adoption, or to prescribe limits in its application. If William Pitt had been taken by the French army,

during the late European war, could France have justifiably executed him on the ground of his having notoriously instigated the continental powers to war against France? Would France, if she had stained her character by executing him, have obtained the sanction of the world to the act by appeals to the passions and prejudices, by pointing to the cities sacked, the countries laid waste, the human lives sacrificed in the wars which he had kindled, and by exclaiming to the unfortunate captive: You, miscreant, monster, have occasioned all these scenes of devastation and blood! What has been the conduct even of England toward the greatest instigator of all the wars of the present age? The condemnation of that illustrious man to the rock of St. Helena, is a great blot on the English name. And I repeat what I have before said, that if Cheatham, or Fox, or even William Pitt himself, had been prime minister in England, Bonaparte had never been so condemned. On that transaction history will one day pass its severe but just censure. Yes, although Napoleon had desolated half Europe; although there was scarcely a power, however humble, that escaped the mighty grasp of his ambition; although in the course of his splendid career, he is charged with having committed the greatest atrocities, disgraceful to himself and to human nature, yet even his life has been spared. The allies would not, England would not, execute him upon the ground of his being an instigator of wars.

The mode of the trial and sentencing of these men was equally objectionable with the principles on which it has been attempted to prove a forfeiture of their lives. I know the laudable spirit which prompted the ingenuity displayed in finding out a justification for these proceedings. I wish most sincerely that I could reconcile them to my conscience.

It has been attempted to vindicate the general upon grounds which I am persuaded he would himself disown. It has been asserted that he was guilty of a mistake in calling upon the court to try them, and that he might at once have ordered their execution, without that formality. I deny that there was any such absolute right in the commander of any portion of our army. The right of retaliation is an attribute of sovereignty. It is comprehended in the war-making power that Congress possesses. It belongs to this body not only to declare war, but to raise armies, and to make rules and regulations for their government. It is in vain for gentlemen to look to the law of nations for instances in which retaliation is lawful. The laws of nations merely lay down the principle or rule; it belongs to the government to constitute the tribunal for applying that principle or rule. There is, for example, no instance in which the death of a captive is more certainly declared by the law of nations to be justifiable, than in the case of spies. Congress has accordingly provided in the rules and articles of war, a tribunal for the trial of spies, and consequently for the application of the principle of the national law. The legislature has not left the power over spies undefined, to the mere discretion of the commander-in-chief, or of any subaltern officer in the army. For, if the doctrines now contended for were true, they would apply to the commander of any corps, however small acting as a detachment. Suppose Congress had not legislated in the case of spies, what would have been their condition? It would have been a "casus omissus"; and although the public law pronounced their doom, it could not be executed, because Congress had assigned no tribunal for enforcing that public law. No man can be executed in this free country without two things being shown—first, that the law condemns

him to death; and, secondly, that his death is pronounced by that tribunal which is authorized by the law to try him. These principles will reach every man's case, native or foreign, citizen or alien. The instant quarters are granted to a prisoner, the majesty of the law surrounds and sustains him, and he cannot be lawfully punished with death without the concurrence of the two circumstances just insisted upon. I deny that any commander-in-chief, in this country, has this absolute power of life and death at his sole discretion. It is contrary to the genius of all our laws and institutions. To concentrate in the person of one individual the powers to make the rule, to judge and to execute the rule, or to judge and execute the rule only, is utterly irreconcilable with every principle of free government, and is the very definition of tyranny itself; and I trust that this House will never give even a tacit assent to such a principle. Suppose the commander had made even reprisals on property, would that property have belonged to the nation, or could he have disposed of it as he pleased? Had he more power, will gentlemen tell me, over the lives of human beings than over property? The assertion of such a power to the commander-in-chief is contrary to the practice of the government.

By an act of Congress which passed in 1799, vesting the power of retaliation in certain cases in the President of the United States—an act which passed during the quasi war with France—the President is authorized to retaliate upon any of the citizens of the French republic, the enormities which may be practised, in certain cases, upon our citizens. Under what administration was this act passed? It was under that which has been justly charged with stretching the constitution to enlarge the executive powers. Even during the mad career of Mr. Adams,

when every means was resorted to for the purpose of infusing vigor into the executive arm, no one thought of claiming for him the inherent right of retaliation. I will not trouble the House with reading another law, which passed thirteen or fourteen years after, during the late war with Great Britain, under the administration of that great constitutional president, he father of the instrument itself, by which Mr. Madison was empowered to retaliate on the British in certain instances. It is not only contrary to the genius of our institutions, and to the uniform practice of the government, but it is contrary to the obvious principles on which the general himself proceeded; for, in forming the court, he evidently intended to proceed under the rules and articles of war. The extreme number which they provide for is thirteen, precisely that which is detailed in the present instance. The court proceeded not by a bare plurality, but by a majority of two-thirds. In the general orders issued from the adjutant-general's office, at headquarters, it is described as a court-martial. The prisoners are said, in those orders, to have been tried "on the following charges and specifications." The court understood itself to be acting as a court-martial. It was so organized, it so proceeded, having a judge advocate, hearing witnesses, and the written defence of the miserable, trembling prisoners, who seemed to have a presentiment of their doom. And the court was finally dissolved. The whole proceeding manifestly shows, that all parties considered it as a court-martial, convened and acting under the rules and articles of war. In his letter to the Secretary of War, noticing the transaction, the general says, "these individuals were tried under my orders, legally convicted as exciters of this savage and negro war, legally condemned, and most unjustly punished for their iniquities."

The Lord deliver us from such legal conviction and such legal condemnation! The general himself considered the laws of his country to have justified his proceedings. It is in vain then to talk of a power in him beyond the law, and above the law, when he himself does not assert it. Let it be conceded that he was clothed with absolute authority over the lives of those individuals, and that, upon his own fiat, without trial, without defence, he might have commanded their execution. Now, if an absolute sovereign, in any particular respect, promulgates a rule, which he pledges himself to observe, if he subsequently deviates from that rule, he subjects himself to the imputation of odious tyranny. If General Jackson had the power, without a court, to condemn these men, he had also the power to appoint a tribunal. He did appoint a tribunal, and became, therefore, morally bound to observe and execute the sentence of that tribunal. In regard to Ambrister, it is with grief and pain I am compelled to say, that he was executed in defiance of all law; in defiance of the law to which General Jackson had voluntarily, if you please, submitted himself and given, by his appeal to the court, an implied pledge to observe. I know but little of military law, and what has happened has certainly not created in me a taste for acquiring a knowledge of more; but I believe there is no example on record, where the sentence of the court has been erased, and a sentence not pronounced by it carried into execution. It has been suggested that the court had pronounced two sentences, and the general had a right to select either. Two sentences! Two verdicts! It was not so. The first being revoked, was as though it never had been pronounced. And there remained only one sentence, which was put aside on the sole authority of the commander, and the execution of the prisoner ordered. He either

had or had not a right to decide upon the fate of that man, with the intervention of a court. If he had the right he waived it, and having violated the sentence of the court, there was brought upon the judicial administration of the army a reproach, which must occasion the most lasting regret.

However guilty these men were, they should not have been condemned or executed without the authority of the law. I will not dwell, at this time, on the effect of these precedents in foreign countries; but I shall not pass unnoticed their dangerous influence in our own country. Bad examples are generally set in the cases of bad men, and often remote from the central government. It was in the provinces that were laid the abuses and the seeds of the ambitious projects which overturned the liberties of Rome. I beseech the committee not to be so captivated with the charms of eloquence, and the appeals made to our passions and our sympathies, as to forget the fundamental principles of our government. The influence of bad example will often be felt, when its authors and all the circumstances connected with it are no longer remembered.

In conclusion of this part of my subject, I most cheerfully and entirely acquit General Jackson of any intention to violate the laws of the country, or the obligations of humanity. I am persuaded, from all that I have heard, that he considered himself as equally respecting and observing both. With respect to the purity of his intentions, therefore, I am disposed to allow it in the most extensive degree. Of his acts, it is my duty to speak, with the freedom which belongs to my station. And I shall now proceed to consider some of them, of the most momentous character, as it regards the distribution of the powers of government.

Of all the powers conferred by the constitution

of the United States, not one is more expressly and exclusively granted, than that which gives to Congress the power to declare war. The immortal convention who formed that instrument, had abundant reason, drawn from every page of history, for confiding this tremendous power to the deliberate judgment of the representatives of the people. It was there seen, that nations are often precipitated in ruinous war, from folly, from pride, from ambition and from the desire of military fame. It was believed, no doubt, in committing this great subject to the legislature of the Union, we should be safe from the mad wars that have afflicted, and desolated, and ruined other countries. It was supposed, that before any war was declared, the nature of the injury complained of, would be carefully examined, and the power and resources of the enemy estimated, and the power and resources of our own country, as well as the probable issues and consequences of the war. It was to guard our country against precisely that species of rashness which has been manifested in Florida, that the constitution was so framed. If, then, this power, thus cautiously and clearly bestowed upon Congress, has been assumed and exercised by any other functionary of the government, it is cause of serious alarm, and it becomes this body to vindicate and maintain its authority by all the means in its power; and yet there are some gentlemen, who would have us not merely to yield a tame and silent acquiescence in the encroachment, but even to pass a vote of thanks to the author.

On the 25th of March, 1818, the President of the United States communicated a message to Congress in relation to the Seminole War, in which he declared, that although, in the prosecution of it, orders had been given to pass into the Spanish terri-

tory, they were so guarded as that the local authorities of Spain should be respected. How respected? The President, by the documents accompanying the message, the orders themselves which issued from the Department of War to the commanding general, had assured the legislature that, even if the enemy should take shelter under a Spanish fortress, the fortress was not to be attacked, but the fact to be reported to that department for further orders. Congress saw, therefore, that there was no danger of violating the existing peace. And yet on the same 25th day of March (a most singular concurrence of dates), when the representatives of the people received this solemn message, announced in the presence of the nation and in the face of the world, and in the midst of a friendly negotiation with Spain, does General Jackson write from his headquarters, that he shall take St. Marks as a necessary depot for his military operations! The general states, in his letter, what he had heard about the threat on the part of the Indians and negroes, to occupy the fort, and declares his purpose to possess himself of it, in either of the two contingencies, of its being in their hands, or in the hands of the Spaniards. He assumed a right to judge what Spain was bound to do by her treaty, and judged very correctly; but then he also assumed the power, belonging to Congress alone, of determining what should be the effect and consequence of her breach of engagement. General Jackson generally performs what he intimates his intention to do. Accordingly, finding St. Marks yet in the hands of the Spaniards, he seized and occupied it. Was ever, I ask, the just confidence of the legislative body, in the assurance of the chief magistrate, more abused? The Spanish commander intimated his willingness that the American army should take post near him, until he could have in-

structions from his superior officer, and promised to maintain, in the mean time, the most friendly relations. No! St. Marks was a convenient post for the American army, and delay was inadmissible. I have always understood that the Indians but rarely take or defend fortresses, because they are unskilled in the modes of attack and defence. The threat, therefore, on their part, to seize on St. Marks, must have been empty, and would probably have been impossible. At all events, when General Jackson arrived there, no danger any longer threatened the Spaniards, from the miserable fugitive Indians, who fled on all sides upon his approach. And, sir, upon what plea is this violation of orders, and this act of war upon a foreign power, attempted to be justified? Upon the grounds of the conveniency of the depot and the Indian threat. The first I will not seriously examine and expose. If the Spanish character of the fort had been totally merged in the Indian character, it might have been justifiable to seize it. But that was not the fact; and the bare possibility of its being forcibly taken by the Indians could not justify our anticipating their blow. Of all the odious transactions which occurred during the late war between France and England, none was more condemned in Europe and in this country, than her seizure of the fleet of Denmark, at Copenhagen. And I lament to be obliged to notice the analogy which exists in the defences made of the two cases.

If my recollection does not deceive me, Bonaparte had passed the Rhine and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubec, and Hamburg, and extended his empire as far as Altona, on the side of Denmark. A few days' march would have carried him through Holstein, over the two belts, through Funen, and into the island of Zealand. What then was the conduct of England?

It was my lot to fall into conversation with an intelligent Englishman on this subject. "We knew (said he) that we were fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, 'Give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it, and restore it to you whenever the danger shall be over.' Denmark refused. Copenhagen was bombarded, gallantly defended, but the fleet was seized." Everywhere the conduct of England was censured; and the name of even the negotiator who was employed by her, who was subsequently the minister to this government, was scarcely ever pronounced here without coupling with it an epithet indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country! She, perhaps, was struggling for her existence. She was combatting, singlehanded, the most enormous military power that the world has ever known. With whom were we contending? With a few half-starved, half-clothed, wretched Indians, and fugitive slaves. And while carrying on this inglorious war, inglorious as it regards the laurels or renown won in it, we violate neutral rights, which the government had solemnly pledged itself to respect, upon the principle of convenience, or upon the light presumption that, by possibility, a post might be taken by the miserable combination of Indians and slaves.

On the 8th day of April the general writes from St. Marks that he shall march for the Suwaney river; the destroying of the establishments on which will, in his opinion, bring the war to a close. Accordingly, having effected that object, he writes, on the 20th of April, that he believes he may say that the war is at an end for the present. He repeats the same opinion in his letter to the Secretary of War, written six days after. The war being thus ended, it might have been hoped that no further hostilities would be committed. But on the 23d of May, on his way home, he receives a letter from the commandant of Pensacola, intimating his surprise at the invasion of the Spanish territory, and the acts of hostility performed by the American army, and his determination, if persisted in, to employ force to repel them. Let us pause and examine the proceeding of the governor, so very hostile and affrontive in the view of General Jackson. Recollect that he was governor of Florida; that he had received no orders from his superiors to allow a passage to the American army; that he had heard of the reduction of St. Marks; and that General Jackson, at the head of his army, was approaching in the direction of Pensacola. He had seen the President's message of the 25th of March, and reminded General Jackson of it, to satisfy him that the American government could not have authorized all those measures. I cannot read the allusion made by the governor to that message without feeling that the charge of insincerity which it implied had, at least, but too much the appearance of truth in it. Could the governor have done less than write some such letter? We have only to reverse situations, and suppose him to have been an American governor. General Jackson says that when he received that letter he no longer hesitated. No, sir, he did no longer hesitate. He

received it on the 23d, he was in Pensacola on the 24th, and immediately after set himself before the fortress of San Carlos de Barancas, which he shortly reduced. "Veni, vidi, vici." Wonderful energy! Admirable promptitude! Alas! that it had not been an energy and a promptitude within the pale of the constitution, and according to the orders of the chief magistrate. It is impossible to give any definition of war that would not comprehend these acts. It was open, undisguised, and unauthorized hostility.

I will not trespass much longer upon the time of the committee; but I trust I shall be indulged with some few reflections upon the danger of permitting the conduct on which it has been my painful duty to animadvert, to pass without the solemn expression of the disapprobation of this House. Recall to your recollection the free nations which have gone before us. Where are they now?

> "Gone glimmering through the dream of things that were,
> A school-boy's tale, the wonder of an hour."

And how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and mingling in the throng, should ask a Grecian if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country, the confident and indignant Grecian would exclaim, "No! no! we have nothing to fear from our heroes; our liberties will be eternal." If a Roman citizen had been asked if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece fell: Cæsar passed the Rubicon, and the patriotic arm of even Brutus could not preserve the liberties of his

devoted country! The celebrated Madame de Stael, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the president of the directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers entered the palace of St. Cloud, and dispersing, with the bayonet, the deputies of the people, deliberating on the affairs of the state, laid the foundation of that vast fabric of despotism which overshadowed all Europe. I hope not to be misunderstood; I am far from intimating that General Jackson cherishes any designs inimical to the liberties of the country. I believe his intentions to be pure and patriotic. I thank God that he would not, but I thank him still more that he could not if he would, overturn the liberties of the Republic. But precedents, if bad, are fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition is much truer when applied to governments. Precedents are their habits. There is one important difference between the formation of habits by an individual and by governments. He contracts only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against the alarming doctrine of unlimited discretion in our military commanders when applied even to prisoners of war, I must enter my protest. It begins upon them; it will end on us. I hope our happy form of government is to be perpetual. But, if it is to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the executive; and, above all, by holding to a strict accountability the military branch of the public force.

We are fighting a great moral battle, for the bene-

fit not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the west to enlighten, and animate, and gladden the human heart. Obscure that by the downfall of liberty here, and all mankind are enshrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity, the fair character and liberty of our country. Do you expect to execute this high trust, by trampling, or suffering to be trampled down, law, justice, the constitution, and the rights of the people? by exhibiting examples of inhumanity, and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country, in the midst of an amicable negotiation! Behold, said they, the conduct of those who are constantly reproaching kings! You saw how those admirers were astounded and hung their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate, and just course, how they once more lifted up their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware of how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our Republic, scarcely yet two-score years old, to military in-

subordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and that if we would escape the rock on which they split, we must avoid their errors.

How different has been the treatment of General Jackson and that modest, but heroic young man, a native of one of the smallest states in the Union, who achieved for his country, on Lake Erie, one of the most glorious victories of the late war. In a moment of passion, he forgot himself, and offered an act of violence which was repented of as soon as perpetrated. He was tried, and suffered the judgment to be pronounced by his peers. Public justice was thought not even then to be satisfied. The press and Congress took up the subject. My honorable friend from Virginia, Mr. Johnson, the faithful and consistent sentinel of the law and of the constitution, disapproved in that instance, as he does in this, and moved an inquiry. The public mind remained agitated and unappeased, until the recent atonement so honorably made by the gallant commodore. And is there to be a distinction between the officers of the two branches of the public service? Are former services, however eminent, to preclude even inquiry into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? I am not disposed to censure the president for not ordering a court of inquiry, or a general court-martial. Perhaps, impelled by a sense of gratitude, he determined, by anticipation, to extend to the general that pardon which he had the undoubted right to grant after sentence. Let us not shrink from our duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

I hope the gentleman will deliberately survey the awful isthmus on which we stand. They may bear

down all opposition; they may even vote the general the public thanks; they may carry him triumphantly through this House. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination, a triumph of the military over the civil authority, a triumph over the powers of this House, a triumph over the constitution of the land. And I pray most devoutly to Heaven, that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people.

WILLIAM PINKNEY.

THE MISSOURI QUESTION.

[Speech in the Senate of the United States, Feb. 15, 1820, considered by some to be the greatest constitutional argument ever made in Congress.]

THE bill from the house of representatives, for the admission of Missouri into the Union, with a clause prohibiting the introduction of slaves into the new state, being under consideration, Mr. Pinkney spoke as follows:

I have said this much, sir, in order that I may be understood as meeting the constitutional question as a *mere question of interpretation,* and as disdaining to press into the service of my argument upon it prophetic fears of any sort, however they may be countenanced by an avowal, formidable by reason of the high reputation of the individual by whom it has been hazarded, of sentiments of the most destructive, which, if not borrowed from, are identical with the worst visions of the political philosophy of France, when all the elements of discord and misrule were let loose upon that devoted nation. I mean "the infinite perfectibility of man and his institutions," and the resolution of everything into a state of nature. I have another motive, which, at the risk of being misconstrued, I will declare without reserve. With my convictions and with my feelings, I never will consent to hold confederated America as bound together by a silken cord, which any instrument of mischief may sever, to the view of monarchical for-

eigners, who look with a jealous eye upon that experiment which is now in progress amongst us in favor of republican freedom. Let them make such prophecies as they will, and nourish such feelings as they may: I will not contribute to the fulfillment of the former, nor minister to the gratification of the latter.

Sir, it was but the other day that we were forbidden (properly forbidden, I am sure, for the prohibition came from you) to assume that there existed any intention to impose a prospective restraint on the domestic legislation of Missouri—a restraint to act upon it contemporaneously with its origin as a state, and to continue adhesive to it through all the stages of its political existence. We are now, however, permitted to know that it is determined by a sort of political surgery to amputate one of the limbs of its local sovereignty, and thus mangled and disparaged, and thus only, to receive it into the bosom of the constitution. It is now avowed that, while *Maine* is to be ushered into the Union with every possible demonstration of studious reverence on our part, and on hers with colors flying and all the other graceful accompaniments of honorable triumph, this ill-conditioned upstart of the West, this obscure foundling of a wilderness, that was but yesterday the hunting-ground of the savage, is to find her way into the American family as she can, with an humiliating badge of remediless inferiority patched upon her garments, with the mark of recent, qualified manumission upon her, or, rather, with a brand upon her forehead, to tell the story of her territorial vassalage and to perpetuate the memory of her evil propensities.

It is now avowed that, while the robust district of Maine is to be seated by the side of her truly respectable parent, coördinate in authority and honor,

and is to be dandled into that power and dignity of which she does not stand in need, but which undoubtedly she deserves, the more infantine and feeble Missouri is to be repelled with harshness and forbidden to come at all, unless with the iron collar of servitude about her neck instead of the civic crown of republican freedom upon her brows, and is to be doomed forever to leading-strings, unless she will exchange those leading-strings for shackles.

I am told that you have the power to establish this odious and revolting distinction, and I am referred for the proofs of that power to various parts of the constitution, but principally to that part of it which authorizes the admission of new states into the Union. I am myself of opinion that it is in that part only that the advocates for this restriction can, with any hope of success, apply for a license to impose it, and that the efforts which have been made to find it in other portions of that instrument are too desperate to require to be encountered. I shall, however, examine those other portions before I have done, lest it should be supposed by those who have relied upon them that what I omit to answer I believe to be unanswerable.

The clause of the constitution which relates to the admission of new states is in these words: "The Congress may admit new states into the Union," etc., and the advocates for restriction maintain that the use of the word "may" imports discretion to admit or reject, and that in this discretion is wrapped up another—that of prescribing the terms and conditions of admission in case you are willing to admit: *Cujus est dare ejus est disponere.* I will not for the present inquire whether this *involved* discretion to dictate the *terms* of admission belongs to you or not. It is fit that I should first look to *the nature and extent of it.*

I think I may assume that if such a power be anything but nominal, it is much more than adequate to present the object—that it is a power of vast expansion, to which human sagacity can assign no reasonable limits—that it is a capacious reservoir of authority, from which you may take, in all time to come, as occasion may serve, the means of oppression as well as of benefaction. I know that it professes at this moment to be the chosen instrument of protecting mercy, and would win upon us by its benignant smiles; but I know, too, it can frown and play the tyrant, if it be so disposed. Notwithstanding the softness which it now assumes, and the care with which it conceals its giant proportions beneath the deceitful drapery of sentiment, when it next appears before you it may show itself with a sterner countenance and in more awful dimensions.

It is, to speak the truth, a power of colossal size—if indeed it be not an abuse of language to call it by the gentle name of a power. Sir, it is a wilderness of powers, of which fancy in her happiest mood is unable to perceive the far-distant and shadowy boundary. Armed with such a power, with religion in one hand and philanthropy in the other, and followed with a goodly train of public and private virtues, you may achieve more conquests over sovereignties not your own than falls to the common lot of even uncommon ambition. By the aid of such a power, skilfully employed, you may "bridge your way" over the Hellespont that separates state legislation from that of Congress; and you may do so for pretty much the same purpose with which Xerxes once bridged his way across the Hellespont that separates Asia from Europe. He did so, in the language of Milton, "the liberties of Greece to yoke." You may do so for the analogous purpose of subjugating and reducing the sovereignties of states, as

your taste or convenience may suggest, and fashion them to your imperial will. There are those in this house who appear to think, and I doubt not sincerely, that the particular restraint now under consideration is wise and benevolent and good; wise as respects the Union—good as respects Missouri—benevolent as respects the unhappy victims whom with a novel kindness it would incarcerate in the South and bless by decay and extirpation. Let all such beware, lest, in their desire for the effect which they believe the restriction will produce, they are too easily satisfied that they have the right to impose it. Moral beauty of the present purpose, or even its political recommendations (whatever they may be), can do nothing for a power like this, which claims the prescribed conditions *ad libitum,* and to be competent to *this* purpose because it is competent to *all.* This restriction, if it be not smothered in its birth, will be but a small part of the progeny of that prolific power. It teems with a mighty brood, of which this may be entitled to the distinction of comeliness as well as of primogeniture. The rest may want the boasted loveliness of their predecessor, and be even uglier than "Lapland witches."

Perhaps, sir, you will permit me to remind you that it is almost always in company with those considerations that interest the heart in some way or other that encroachment steals into the world. A bad purpose throws no veil over the license of power. It leaves them to be seen as they are. It affords them no protection from the inquiring eye of jealousy. The danger is when a tremendous discretion like the present is attempted to be assumed, as on this occasion, in the names of pity, of religion, of national honor and national posterity; when encroachment tricks itself out in the robes of piety or humanity, or addresses itself to pride of country,

with all its kindred passions and motives. It is then that the guardians of the constitution are apt to slumber on their watch, or, if awake, to mistake for lawful rules some pernicious arrogation of power.

I would not discourage *authorized* legislation upon those kindly, generous and noble feelings which Providence has given to us for the best of purposes; but when *power* to act is under discussion, I will not look to the end in view, lest I should become indifferent to the lawfulness of the means. Let us discard from this high constitutional question all those intrinsic considerations which have been forced into its discussion. Let us endeavor to approach it with a philosophic impartiality of temper—with a sincere desire to ascertain the boundaries of our authority, and a determination to keep our wishes in subjection to our allegiance to the constitution.

Slavery, we are told in many a pamphlet, memorial and speech, with which the press has lately groaned, is a foul blot upon our otherwise immaculate reputation. Let this be conceded; yet you are no nearer than before to the conclusion that you possess power which may deal with other subjects as effectually as with this. Slavery, we are further told, with some pomp of metaphor, is a canker at the root of all that is excellent in this republican empire, a petulant disease that is snatching the youthful blood from its cheek, prostrating its honor and withering its strength. Be it so; yet if you have power to medicine to it in the way proposed, and in virtue of the diploma which you claim, you have also power in the distribution of your political alexipharmics to present the deadliest drugs to every territory that would become a state, and bid it drink or remain a colony forever. Slavery, we are also told, is now "rolling onward with a rapid tide towards the boundless regions of the West," threatening to

doom them to sterility and sorrow, unless some potent voice can say to it—thus far shalt thou go, and no farther. Slavery engenders pride and indolence in him who commands and inflicts intellectual and moral degradation on him who serves. Slavery, in fine, is unchristian and abominable. Sir, I shall not stop to deny that slavery is all this and more; but I shall not think myself the less authorized to deny that it is for you to stay the course of this dark torrent by opposing to it a mound raised up by the labors of this portentous discretion on the domain of others—a mound which you cannot erect but through the instrumentality of a trespass that beats down a few blades of grass which the first kind sun or the next refreshing shower may cause to spring again, but that which levels with the ground the lordliest trees of the forest and claims immortality for the destruction which it inflicts.

I shall not, I am sure, be told that I exaggerate this power. It has been admitted here and elsewhere that I do not. But I want no such concession. It is manifest that as a discretionary power it is everything or nothing—that its head is in the clouds, or that it is a mere figment of enthusiastic speculation —that it has no existence, or that it is an alarming vortex ready to swallow up all such portions of the sovereignty of an infant state as you may think fit to cast into it as preparatory to the introduction into the union of the miserable residue. No man can contradict me when I say that if you have this power, you may squeeze down a new-born sovereign state to the size of a pygmy, and then, taking it between finger and thumb, stick it into some nitch of the Union and still continue by way of mockery to call it *a state in the sense of the constitution.* You may waste it to a shadow, and then introduce it into the society of flesh and blood, an object of scorn and de-

rision. You may sweat and reduce it to a thing of skin and bone, and then place the ominous skeleton beside the ruddy and healthful members of the Union, that it may have leisure to mourn the lamentable difference between itself and its companions, to brood over its disastrous promotion, and to seek in justifiable discontent an opportunity for separation and insurrection and rebellion. What may you not do by dexterity and perserverance with this terrific power? You may give to a new state, in the form of terms which it cannot refuse (as I shall show you hereafter), a statue-book of a thousand volumes —providing not for ordinary cases only, but even for possibilities; you may lay the yoke, no matter whether light or heavy, upon the necks of the latest posterity; you may send this searching power into every hamlet for centuries to come, by laws enacted in the spirit of prophecy, and regulating all those dear relations of domestic concern which belong to local legislation, and which even local legislation touches with a delicate and sparing hand. This is the first inroad. But will it be the last? This provision is but a pioneer for others of a more desolating aspect. It is that fatal bridge of which Milton speaks; and when once firmly built, what shall hinder you to pass it when you please for the purpose of plundering power after power, at the expense of new states, as you will still continue to call them, and raising up prospective codes irrevocable and immortal, which shall leave to those states the empty shadows of domestic sovereignty and convert them into petty pageants, in themselves contemptible, but rendered infinitely more so by the contrast of their humble faculties with the proud and admitted pretensions of those who, having doomed them to the inferiority of vassals, have condescended to take them into their society and under their protection?

I shall be told, perhaps, that you can have no temptation to do all or any part of this, and, moreover, that you can do nothing of yourselves, or, in other words, without the concurrence of the new state. The last of these suggestions I shall examine by and by. To the first I answer that it is not incumbent upon me to prove that this discretion will be abused. It is enough for me to prove the vastness of the power as an inducement to make us pause upon it, and to inquire with attention whether there is any apartment in the constitution large enough to give it entertainment. It is more than enough for me to show that, vast as is this power, it is, with reference to mere territories, an *irresponsible* power. Power is irresponsible when it acts upon those who are defenseless against it; who cannot check it, or contribute to check it, in its exercise; who can resist it only by force. The territory of Missouri has no check upon this power. It has no share in the government of the Union. In this body it has no representative. In the other house it has, by courtesy, an agent, who may remonstrate, but cannot vote. That such an irresponsible power is not likely to be abused, who will undertake to assert? If it is not, "experience is a cheat, and fact a liar." The power which England claimed over the colonies was such a power, and it was abused; and hence the revolution. Such a power is always perilous to those who wield it, as well as those on whom it is exerted. Oppression is but another name for irresponsible power, if history is to be trusted.

The free spirit of our constitution and of our people is no assurance against the propension of unbridled power to abuse, when it acts upon colonial dependents rather than upon ourselves. Free states as well as despots, have oppressed those whom they were bound to foster; and it is the nature of man

that it should be so. The love of power, and the desire to display it when it can be done with impunity, is inherent in the human heart. Turn it out at the door, and it will in again at the window. Power is displayed in its fullest measure, and with a captivating dignity, by restraints and conditions. The *pruritas Leges ferendi* is a universal disease; and conditions are laws as far as they go. The vanity of human wisdom, and the presumption of human reason, are proverbial. This vanity and this presumption are often neither reasonable nor wise. Humanity, too, sometimes plays fantastic tricks with power. Time, moreover, is fruitful in temptations to convert discretionary power to all sorts of purposes.

Time, that withers the strength of man and "strews around him like autumnal leaves the ruins of his proudest monuments," produces great vicissitudes in modes of thinking and feeling. It brings along with it, in its progress, new circumstances, new combinations and modifications of the old, generating new views, motives, and caprices, new fanaticisms of endless variety; in short, new every thing. We ourselves are always changing; and what to-day we have but a small desire to attempt, to-morrow becomes the object of our passionate aspirations.

There is such a thing as enthusiasm, moral, religious or political, or a compound of all three—and it is wonderful what it will attempt, and from what imperceptible beginnings it sometimes rises into a mighty agent. Rising from some obscure or unknown source, it first shows itself a petty rivulet, which scarcely murmurs over the pebbles that obstruct its way; then it swells into a fierce torrent, bearing all before it; and then again, like some mountain stream which occasional rains have precipitated upon the valley, it sinks once more into a rivulet, and finally leaves its channel dry. Such a

thing has happened. I do not say that it is now happening. It would not become me to say so. But if it should occur, woe to the unlucky territory that should be struggling to make its way into the Union at the moment when the opposing inundation was at its height, and at the same instant this wide Mediterranean of discretionary powers, which it seems is ours, should open up all its sluices and, with a consentaneous rush, mingle with the turbid waters of the others!

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"New states may be admitted by the Congress into this Union." It is objected that the word "may" imports power, not obligation; a right to decide; a discretion to grant or refuse.

To this it might be answered that power is duty on many occasions. But let it be conceded that it is discretionary. What consequence follows? A power to refuse, in a case like this, does not necessarily involve a power to exact terms. You must look to the *result,* which is the declared object of the power. Whether you will arrive at it, or not, may depend on your will; but you cannot compromise with the result intended and professed.

What, then, is the professed result? To admit a *state* into this *Union.* What is that Union?

What is that Union? A confederation of states equal in sovereignty; capable of everything which the constitution does not forbid. It is an equal Union, between parties equally sovereign. They were sovereign, independently of the Union. The object of the Union was common protection for the exercise of already existing sovereignty. The parties gave up a portion of that sovereignty to insure the remainder. As far as they gave it up by the common compact, they have ceased to be sovereign. The *Union* provides the means of defending the resi-

due, and it is into that Union that a new state is to come. By acceding to it, the new state is placed on the same footing with the original states. It accedes for the same purpose, i. e., protection for its unsurrendered sovereignty. If it comes in shorn of its beams, crippled and disparaged beyond the original states, it is not into the *original Union* that it comes; for it is a different sort of Union. The first was Union *inter pares;* this is a Union between *disparates;* between giants and a dwarf; between power and feebleness; between full-proportioned sovereignties and a miserable image of power; a thing which that very Union has shrunk and shrivelled from its just size, instead of preserving it in its true dimensions.

It is into "this Union," i. e., the Union of the Federal constitution, that you are to admit or refuse to admit. You can admit into no other. You cannot make the Union, as to the new state, what it is not as to the old; for then it is not *this Union* that you open for the entrance of a new party. If you make it enter into a new and additional compact, is it any longer the same Union?

We are told that admitting a state into the Union is a compact. Yes; but what sort of a compact? A compact that it shall be a member of the Union, as the constitution has made it. You cannot new fashion it. You may make a compact to admit; but, when admitted, the original compact prevails. The Union is a compact, with a provision of political power and agents for the accomplishment of its objects. Vary that compact as to a new state—give new energy to that political power so as to make it act with more force upon a new state than upon the old—make the will of those agents more effectually the arbiter of the fate of a new state than of the old, and it may be confidently said that the new state has

not entered into *this Union,* but into another Union. How far the Union has been varied is another question; but that it has been varied is clear.

If I am told that by the bill relative to Missouri you do not legislate upon a new state, I answer that you do; and I answer further that it is immaterial whether you do or not. But it is upon Missouri, as a state, that your terms and conditions are to act. Until Missouri is a state, the terms and conditions are nothing. You legislate in the shape of terms and conditions, prospectively, and you so legislate upon it that when it comes into the Union it is to be bound by a contract degrading and diminishing its sovereignty, and is to be stripped of rights which the original parties to the Union did not consent to abandon, and which that Union (so far as depends upon it) takes under its protection and guarantee.

Is the right to hold slaves a right which Massachusetts enjoys? If it is, Massachusetts is under this Union in a different character from Missouri. The compact of Union for it is different from the same compact of Union for Missouri. The power of Congress is different; everything which depends upon the Union is, in that respect, different.

But it is immaterial whether you legislate for Missouri as a state or not. The effect of your legislation is to bring it into the Union with a portion of its sovereignty taken away.

But it is a *state* which you are to admit. What is a state in the sense of the constitution? It is not a state in the general, but a state as you find it in the constitution. A state, generally, is a body politic or independent political society of men. But the state which you are to admit must be more or less than this political entity. What must it be? Ask the constitution. It shows what it means by a state by reference to the parties to it. It must be such a

state as Massachusetts, Virginia, and the other members of the American confederacy; a state with full sovereignty except as the constitution restricts it.

It is said that the word *may* necessarily implies the right of prescribing the terms of admission. Those who maintain this are aware that there are no express words (such as *upon such terms and conditions as Congress shall think fit*), words which it was natural to expect to find in the constitution, if the effect contended for were meant. They put it, therefore, on the word *may,* and on that alone.

Give to that word all the force you please, what does it import? That Congress is not *bound* to admit a new state into this Union. Be it so, for argument's sake. Does it follow that when you consent to admit into this Union a new state, you can make it less in sovereign power than the original parties to that Union; that you can make the Union as to it what it is not as to them; that you can fashion it to your liking by compelling it to purchase admission into a Union by sacrificing a portion of that power which it is the sole purpose of the Union to maintain in all the plentitude which the Union itself does not impair? Does it follow that you can force upon it an additional compact not found in the compact of Union; that you can make it come into the Union less a *state,* in regard to sovereign power, than its fellows in that Union; that you can cripple its legislative competency (beyond the constitution, which is the pact of Union, to which you make it a party as if it had been originally a party to it) by what you choose to call a *condition,* but which, whatever it may be called, brings the new government into the Union under new obligations to it, and with disparaged power to be protected by it.

In a word, the whole amount of the argument on the other side is that you may refuse to admit a new

state, and that therefore, if you admit, you may prescribe the terms.

The answer to that argument is that even if you can refuse, you can prescribe no terms which are inconsistent with the act you are to do. You can prescribe no condition which, if carried into effect, would make the new state less a sovereign state than, under the Union as it stands, it would be. You can prescribe no terms which will make the compact of union between it and the original states essentially different from that compact among the original states. You may admit or refuse to admit; but if you admit, you must admit a state in the sense of the constitution, a state with all such sovereignty as belongs to the original parties; and it must be into *this Union* that you are to admit it, not into a Union of your own dictating, formed out of the existing Union by qualification and new compacts, altering its character and effect, and making it fall short of its protecting energy in reference to the new state, whilst it acquires an energy of another sort, the energy of restraint and destruction.

I have thus endeavored to show that even if you have a discretion to refuse to admit, you have no discretion, if you are willing to admit, to insist upon any terms that impair the sovereignty of the admitted state as it would otherwise stand in the Union by the constitution which receives it into its bosom. To admit or not is for you to decide. Admission once conceded, it follows as a corollary that you must take the new state as an equal companion with its fellows; that you cannot recast or new-model the Union *pro hac vice;* but that you must receive it into the *actual Union,* and recognize it as a parcener in the common inheritance, without any other shackles than the rest have, by the constitution, submitted to bear; without

any other extinction of power than is the work of the constitution acting indifferently upon all.

I may be told, perhaps, that the restriction in this case is the act of Missouri itself; that your law is nothing without its consent, and derives its efficacy from that alone.

I shall have a more suitable occasion to speak on this topic hereafter when I come to consider the treaty which ceded Louisiana to the United States. But I will say a few words upon it now, of a more general application than it will in that branch of the argument be necessary to use.

A territory cannot surrender to Congress, by anticipation, the whole or a part of the sovereign power which, by the constitution of the Union, will belong to it when it becomes a state and a member of the Union. Its consent is, therefore, nothing. It is in no situation to make this surrender. It is under the government of Congress: if it can barter away a part of its sovereignty, by anticipation, it can do so as to the whole. For where will you stop? If it does not cease to be a state, in the sense of the constitution, with only a certain portion of sovereign power, what other smaller portion will have that effect? If you depart from the standard of the constitution, i. e., the quantity of domestic sovereignty left in the first contracting states and secured by the original compact of Union, where will you get another standard? Consent is no standard—for consent may be gained to a surrender of all.

No state or territory, in order to become a state, can alienate or surrender any portion of its sovereignty to the Union, or to a sister state, or to a foreign nation. It is under an incapacity to disqualify itself for all the purposes of government left to it in the constitution by stripping itself of attributes which arise from the natural equality of states, and

which the constitution recognizes not only because it does not deny them, but presumes them to remain as they exist by the law of nature and nations. Inequality in the sovereignty of states is unnatural and repugnant to all the principles of that law. Hence we find it laid down by the text writers on public law that "Nature has established a perfect equality of rights between independent nations," and that "whatever the quality of a free sovereign nation gives to one, it gives to another."* The constitution of the United States proceeds upon the truth of this doctrine. It takes the states as it finds them, FREE AND SOVEREIGN ALIKE BY NATURE. It receives from them portions of their power for the general good, and provides for the exercise of it by organized political bodies. It diminishes the individual sovereignty of each, and transfers what it subtracts to the government which it creates; it takes from all alike, and leaves them relatively to each other equal in sovereign power.

The honorable gentleman from New York has put the constitutional argument altogether upon the clause relative to admission of new states into the Union. He does not pretend that you can find the power to restrain, in any extent, elsewhere. It follows that it is not a particular power to impose this restriction, but a power to impose restrictions *ad libitum*. It is competent to this because it is competent to every thing. But he denies that there can be any power in man to hold in slavery his fellow-creature, and argues, therefore, that the prohibition is no restraint at all, since it does not interfere with the sovereign powers of Missouri.

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One of the most signal errors with which the argument on the other side has abounded is this of con-

*Vattel, Droit des Gens. liv. 2, c3, s36.

sidering the proposed restriction as if levelled at the *introduction or establishment of slavery.* And hence the vehement declamation, which, among other things, has informed us that slavery originated in fraud or violence.

The truth is that the restriction has no relation, real or pretended, to the right of *making slaves of those who are free,* or of introducing slavery where it does not already exist. It applies to those who are admitted to be already slaves, and who (with their posterity) would continue to be slaves if they should remain where they are at present, and to a place where slavery already exists by the local law. Their civil condition will not be altered by their removal from Virginia or Carolina to Missouri. They will not be more slaves than they are now. Their abode, indeed, will be different, but their bondage the same.

Their numbers may possibly be augmented by the diffusion, and I think they will. But this can only happen because their hardships will be mitigated and their comforts increased. The checks to population, which exist in the older states, will be diminished. The restriction, therefore, does not prevent the establishment of slavery, either with reference to persons or place, but simply inhibits the removal from place to place (the law in each being the same) of a slave, or making his emancipation the consequence of that removal. It acts professedly merely on slavery as it exists, and thus acting restrains its present lawful effects. That slavery, like many other human institutions, originated in fraud or violence, may be conceded; but, however it *originated,* it is established among us, and no man seeks a further establishment of it by new importations of freemen to be converted into slaves. On the contrary, all are anxious to mitigate its evils by all the means

within the reach of the appropriate authority, the domestic legislatures of the different states.

It can be nothing to the purpose of this argument, therefore, as the gentlemen themselves have shaped it, to inquire what was the origin of slavery. What is it now, and who are they that endeavor to innovate upon what it now is (the advocates of this restriction who desire change by unconstitutional means, or its opponents who desire to leave the whole matter to local regulation), are the only questions worthy of attention.

Sir, if we, too, closely look to the rise and progress of long-sanctioned establishments and unquestioned rights, we may discover other subjects than that of slavery, with which fraud and violence may claim a fearful connection, and over which it may be our interest to throw the mantle of oblivion. What was the settlement of our ancestors in this country but an invasion of the rights of the barbarians who inhabited it? That settlement, with slight exceptions, was effected by the slaughter of those who did no more than defend their native land against the intruders of Europe, or by unequal compacts and purchases, in which feebleness and ignorance had to deal with power and cunning. The savages, who once built their huts where this proud capitol, rising from its recent ashes, exemplifies the sovereignty of the American people, were swept away by the injustice of our fathers, and their domain usurped by force or obtained by artifices yet more criminal. Our continent was full of those aboriginal inhabitants. Where are they or their descendants? Either "with years beyond the flood," or driven back by the swelling tide of our population from the borders of the Atlantic to the deserts of the West. You follow still the miserable remnants and make *contracts* with them that seal their ruin. You purchase their lands, of

which they know not the value, in order that you may sell them to advantage, increase your treasure, and enlarge your empire. Yet further—you pursue as they retire; and they must continue to retire until the Pacific shall stay their retreat and compel them to pass away as a dream. Will you recur to those scenes of various iniquity for any other purpose than to regret and lament them? Will you pry into them with a view to shake and impair your rights of property and dominion?

But the broad denial of the sovereign right of Missouri, if it shall become a sovereign state, to recognize slavery by its laws, is rested upon a variety of grounds, all of which I will examine.

It is an extraordinary fact that they who urge this denial with such ardent zeal stop short of it in their conduct. There are now slaves in Missouri whom they do not insist upon delivering from their chains. Yet if it is incompetent to sovereign power to continue slavery in Missouri, in respect of slaves who may yet be carried thither, show me the power that can continue it in respect of slaves who are there already. Missouri is out of the old limits of the Union; and beyond those limits, it is said, we can give no countenance to slavery, if we can countenance or tolerate it anywhere. It is plain that there can be no slaves beyond the Mississippi at this moment, but in virtue of some power to make or keep them so. What sort of power was it that has made or kept them so? Sovereign power it could not be, according to the honorable gentlemen from Pennsylvania and New Hampshire;* and if sovereign power is unequal to such a purpose, less than sovereign power is yet more unequal to it. The laws of Spain and France could do nothing; the laws of the territorial government of Missouri could do nothing

*Mr. Roberts, Mr. Lowrie, and Mr. Morrill.

towards such a result, if it be a result which no laws, in other words, no sovereignty, could accomplish. The treaty of 1803 could do no more in this view than the laws of France, or Spain, or the territorial government of Missouri. A treaty is an act of sovereign power, taking the shape of a compact between the parties to it; and that which sovereign power cannot reach at all, it cannot reach by a treaty. Those who are now held in bondage, therefore, in Missouri, and their issue, are entitled to be free, if there be any truth in the doctrine of the honorable gentlemen; and if the proposed restriction leaves all such in slavery, it thus discredits the very foundation on which it reposes. To be inconsistent is the fate of false principles; but this inconsistency is the more to be remarked, since it cannot be referred to mere considerations of policy without admitting that such considerations may be preferred (without a crime) to what is deemed a paramount and indispensable duty.

It is here, too, that I must be permitted to observe that the honorable gentlemen have taken great pains to show that this restriction is a mere work of supererogation by the principal argument on which they rest the proof of its propriety.

Missouri, it is said, can have no power to do what the restriction would prevent. It would be void, therefore, without the restriction. Why, then, I ask, is the restriction insisted upon? Restraint implies that there is something to be restrained; but the gentlemen justify the restraint by showing that there is nothing upon which it can operate! They demonstrate the wisdom of necessity and restraint, the subject is in the same predicament. This is to combat with a man of straw, and to put fetters upon a shadow.

The gentlemen must, therefore, abandon either

their doctrine or their restriction, their argument or their object; for they are directly in conflict, and reciprocally destroy each other. It is evident that they will not abandon their object, and, of course, I must believe that they hold their argument in as little real estimation as I myself do. The gentlemen can scarcely be sincere believers in their own principle. They have apprehensions, which they endeavor to conceal, that Missouri, as a state, will have power to continue slavery within its limits; and, if they will not be offended, I will venture to compare them, in this particular, with the duellist in Sheridan's comedy of the Rivals, who, affecting to have no fear whatever of his adversary, is, nevertheless, careful to admonish Sir Lucius to hold him fast.

Let us take it for granted, however, that they were in earnest in their doctrine, and that it is very necessary to impose what they prove to be an unnecessary restraint: how do they support that doctrine?

The honorable gentleman on the other side has told us, as a proof of his great position (that man cannot enslave his fellow-man, in which is implied that all laws upholding slavery are absolute nullities), that the nations of antiquity, as well as of modern times, have concurred in laying down that position as incontrovertible.

He refers us in the first place to the Roman law, in which he finds it laid down as a maxim: *Jure naturali omnes homines ab initio liberi nascebantur.* From the manner in which this maxim was pressed upon us, it would not readily have been conjectured that the honorable gentleman who used it had borrowed it from a slave-holding empire, and still less from a book of the institutes of Justinian, which treats of slavery, and justifies and regulates it. Had he given us the context, we should have had the modifications, of which the abstract doctrine was, in the

judgment of the Roman law, susceptible. We should have had an explanation of the competency of that law, to convert, whether justly or unjustly, freedom into servitude, and to maintain the right of a master to the servitude and obedience of his slave.

The honorable gentleman might also have gone to Greece for a similar maxim and a similar commentary, speculative and practical.

He next refers us to Magna Charta. I am somewhat familiar with Magna Charta, and I am confident that it contains no such maxim as the honorable gentleman thinks he has discovered in it. The great charter was extorted from John and his feeble son and successor by haughty slave-holding barons, who thought only of themselves and the commons of England (then inconsiderable), whom they wished to enlist in their efforts against the crown. There is not in it a single word which condemns civil slavery. Freemen only are the objects of its protecting care. "*Nullus liber homo*" is its phraseology. The serfs, who were chained to the soil—the villains regardant and in gross, were left as it found them. All England was then full of slaves, whose posterity would by law remain slaves as with us, except only that the issue followed the condition of the father instead of the mother. The rule was "*Partus sequitur patrem,*" a rule more favorable, undoubtedly, from the very precariousness of its application to the gradual extinction of slavery, than ours, which has been drawn from the Roman law and is of sure and unavoidable effect.

Still less has the *Petition of Right,* presented to Charles I. by the Long Parliament, to do with the subject of civil slavery. It looked merely, as Magna Charta had not done before it, to the freemen of England, and sought only to protect them against

royal perogative and the encroaching spirit of the Stuarts.

As to the *Bill of Rights,* enacted by the Convention Parliament of 1688, it is almost a duplicate of the Petition of Right, and arose out of the recollection of that political tyranny from which the nation had just escaped, and the recurrence of which it was intended to prevent. It contains no abstract principles. It deals only with practical checks upon the power of the monarch, and in safeguards for institutions essential to the preservation of the public liberty. That it was not designed to anathematize civil slavery may be taken for granted, since at that epoch, and long afterwards, the English government inundated its foreign plantations with slaves, and supplied other nations with them as merchandise, under the sanction of solemn treaties negotiated for that purpose. And here I cannot forbear to remark that we owe it to that same government, when it stood towards us in the relation of parent to child, that involuntary servitude exists in our land, and that we are now deliberating whether the perogative of correcting its evils belongs to the national or the state governments. In the early periods of our colonial history, everything was done by the mother country to encourage the importation of slaves into North America, and the measures which were adopted by the colonial assemblies to prohibit it were uniformally negatived by the crown. It is not therefore our fault, nor the fault of our ancestors, that this calamity has been entailed upon us; and notwithstanding the ostentation with which the loitering abolition of the slave trade by the British parliament has been vaunted, the principal consideration which at last reconciled it to that measure was that by suitable care the slave population in their West India islands (already fully stocked)

might be kept up and even increased without the aid of importation. In a word, it was cold calculations of interest, and not the suggestions of humanity, or a respect for the philanthropic principles of Mr. Wilberforce, which produced their tardy abandonment of that abominable traffic.

On the Declaration of our Independence, which has also been quoted in support of the perilous doctrines now urged upon us, I need not now speak at large. I have shown, on a former occasion, how idle it is to rely upon that instrument for such a purpose, and I will not fatigue you by mere repetition. The self-evident truths announced in the Declaration of Independence are not truths at all, if taken literally; and the practical conclusions contained in the same passage of that Declaration prove that they were never designed to be so received.

The articles of confederation contain nothing on the subject, whilst the actual constitution recognizes the legal existence of slavery by various provisions. The power of prohibiting the slave trade is involved in that of regulating commerce; but this is coupled with an express inhibition to the exercise of it for twenty years. How then can that constitution, which expressly permits the importation of slaves, authorize the national government to set on foot a crusade against slavery?

The clause respecting fugitive slaves is affirmative and active in its effects. It is direct sanction and positive protection of the right of the master to the services of his slave as derived under the local laws of the states. The phraseology in which it is wrapped up still leaves the intention clear, and the words "persons held to service or labor in one state under the laws thereof" have always been interpreted to extend to the case of slaves, in the various acts of Congress which have been passed to give

efficacy to the provision, and in the judicial application of those laws. So also in the clause prescribing the ratio of representation, the phrase "three-fifths of all other persons" is equivalent to *slaves,* or it means nothing. And yet we are told that those who are acting under a constitution which sanctions the existence of slavery in those states which choose to tolerate it, are at liberty to hold that no law can sanction its existence!

It is idle to make the rightfulness of an act the measure of sovereign power. The distinction between sovereign power and the moral right to exercise it has always been recognized. All political power may be abused; but is it to stop where abuse may begin? The power of declaring war is a power of vast capacity for mischief, and capable of inflicting the most wide-spread desolation. But it is given to Congress without stint and without measure. Is a citizen, or are the courts of justice, to inquire whether that or any other law is just, before they obey or execute it? And are there any degrees of injustice which will withdraw from sovereign power the capacity of making a given law?

But sovereignty is said to be *deputed* power. Deputed—by whom? By the people, because the power is theirs. And if it be theirs, does not the restriction take it away? Examine the constitution of the Union, and it will be seen that the *people* of the states are regarded as well as the *states* themselves. The constitution was made by the people and ratified by the people.

Is it fit, then, to hold that all the sovereignty of a state is in the government of the state? So much is there as the people grant; and the people can take it away, or give more, or new-model what they have already granted. It is this right which the proposed restriction takes from Missouri. You give them an

immortal constitution, depending on your will, not on theirs. The people and their posterity are to be bound forever by this restriction; and upon the same principle, any other restriction may be imposed. Where, then, is there power to change the constitution and to devolve new sovereignty upon the state government? You limit their sovereign capacity to do it; and when you talk of a state, you mean the people as well as the government. The people are the source of all power—you dry up that source. They are the reservoir—you take out of it what suits you.

It is said that this government is a government of deputed powers. So is every government; and what power is not deputed remains. But the people of the *United States* can give it more if they please, as the people of each state can do in respect to its own government. And here it is well to remember that this is a government of enumerated as well as deputed powers, and to examine the clause as to the admission of new states, with that principle in view. Now, assume that it is a part of the sovereign power of *the people of Missouri* to continue slavery, and to devolve that power upon its government—and then to take it away—and then to give it again. The government is their creature, the means of exercising their sovereignty, and they can vary those means at their pleasure. Independently of the Union, their power should be unlimited. By coming into the Union, they part with some of it and are thus less sovereign.

Let us then see whether they part with this power.

If they have parted with this portion of sovereign power, it must be under that clause of the national constitution which gives to Congress "power to admit new states into this Union." And it is said that this necessarily implies the authority of prescribing

the conditions upon which such new states shall be admitted. This has been put into the form of a syllogism, which is thus stated:

Major. Every universal proposition includes all the means, manner, and terms of the act to which it relates.

Minor. But this is a universal proposition.

Conclusion. Therefore, the means, manner, and terms are involved in it.

But this syllogism is fallacious, and anything else may be proved by it by assuming one of its members which involves the conclusion. The *minor* is a mere postulate.

Take it in this way:

Major. None but a universal proposition includes in itself the terms and conditions of the act to be done.

Minor. But this is not such a universal proposition.

Conclusion. Therefore, it does not contain in itself the terms and conditions of the act.

In both cases the minor is a gratuitous postulate.

But I deny that a universal proposition, *as to a specific act,* involves the terms and conditions of that act so as to vary it and substitute another and a different act in its place. The proposition contained in the clause is *universal* in one sense only. It is *particular* in another. It is universal as to the power to admit or refuse. It is particular as to the being of thing to be admitted, and the compact by which it is to be admitted. The sophistry consists in extending the universal part of the proposition in such a manner as to make out of it another universal proposition. It consists in confounding the right to produce or refuse to produce a *certain defined effect,* with a right to produce a *different effect* by refusing otherwise to produce any effect at all.

It makes the *actual right* the instrument of obtaining *another right,* with which the actual right is incompatible. It makes, in a word, lawful power the instrument of unlawful usurpation. The *result* is kept out of sight by this mode of reasoning. The discretion to decline that result, which is called a universal proposition, is singly obtruded upon us. But in order to reason correctly, you must keep in view the defined result, as well as the discretion to produce or to decline to produce it. The result is the particular part of the proposition; therefore, the discretion to produce or decline it is the universal part of it. But because the *last* is found to be universal, it is taken for granted that the *first* is also universal. This is a sophism too manifest to impose.

But discarding the machinery of syllogisms as unfit for such a discussion as this, let us look at the clause with a view of interpreting it by the rules of sound logic and common sense.

The power is "to admit new states into this Union"; and it may be safely conceded that here is discretion to admit or refuse. The question is what must we do if we do anything? What must we admit, and into what? The answer is *a state,* and into *this Union.*

The distinction between federal right and local rights is an idle distinction. Because the new state acquires *federal* rights, it is not, therefore, in *this Union.* The Union is a compact; and is it an equal party to that compact because it has equal federal rights?

How is the Union formed? By equal contributions of power. Make one member sacrifice more than another, and it becomes unequal. The compact is of two parts:

1. The thing obtained—federal rights.
2. The price paid—local sovereignty.

You may disturb the balance of the Union, either by diminishing the thing acquired or increasing the sacrifice paid.

What were the purposes of coming into the Union among the original states? The states were originally sovereign without limit, as to foreign and domestic concerns. But being incapable of protecting themselves singly, they entered into the Union to defend themselves against foreign violence. The domestic concerns of the people were not, in general, to be acted on by it. The security of the power of managing them by domestic legislation is one of the great objects of the Union. The Union is a *means*, not an *end*. By requiring greater sacrifices of domestic power, the end is sacrificed to the means. Suppose the surrender of all, or nearly all, the domestic powers of legislation were required; the means would there have swallowed up the end.

The argument that the compact may be enforced shows that the federal predicament is changed. The power of the Union not only acts on persons or citizens, but on the faculty of the government, and restrains it in a way which the constitution no where authorizes. This new obligation takes away a right which is expressly "reserved to the people or the states," since it is no where granted to the government of the Union. You cannot do indirectly what you cannot do directly. It was said that this Union is competent to make compacts. Who doubts it? But can you make *this compact?* I insist that you cannot make it, because it is repugnant to the thing to be done.

The effect of such a compact would be to produce that inequality in the Union, to which the constitution, in all its provisions, is adverse. Everything in it looks to equality among the members of the Union. Under it, you cannot produce inequality. Nor can

you get beforehand of the constitution and do it by anticipation. Wait until a state is in the Union, and you cannot do it; yet it is only upon the state in the Union that what you do begins to act.

* * * * *

But it seems that although the proposed restriction may not be justified by the clause of the constitution which gives power to admit new states into the Union, separately considered, there are other parts of the constitution which, combined with that clause, will warrant it. And, first, we are informed that there is a clause in this instrument which declares that Congress *shall* guarantee to every state a republican form of government; that slavery and such a form of government are incompatible; and finally, as a conclusion from these premises, that Congress not only have a *right,* but are *bound* to exclude slavery from a new state. Here again, sir, there is an edifying inconsistency between the argument and the measure which it professes to vindicate. By the argument it is maintained that Missouri cannot have a republican form of government and at the same time tolerate negro slavery. By the measure it is admitted that Missouri may tolerate slavery, as to persons already in bondage there, and be nevertheless fit to be received into the Union. What sort of constitutional mandate is this which can thus be made to bend, and truckle, and compromise, as if it were a simple rule of expediency that might admit of exceptions upon motives of countervailing expediency? There can be no such pliancy in the peremptory provisions of the constitution. They cannot be obeyed by moieties and violated in the same ratio. They must be followed out to their full extent, or treated with that decent neglect which has at least the merit of forbearing to render contumacy obtrusive by an ostentatious display of the

very duty which we in part abandon. If the decalogue could be observed in this casuistical manner, we might be grievous sinners and yet be liable to no reproach. We might persist in all our habitual irregularities and still be spotless. We might, for example, continue to covet our neighbors' goods, provided they were the same neighbors whose goods we had before coveted; and so of all the other commandments.

Will the gentlemen tell us that it is the *quantity of slaves,* not the *quality of slavery,* which takes from a government the republican form? Will they tell us (for they have not yet told us) that there are constitutional grounds (to say nothing of common sense) upon which the slavery which now exists in Missouri may be reconciled with a republican form of government, while any addition to the *number of its slaves* (the quality of slavery remaining the same) from the other states will be repugnant to that form, and metamorphose it into some nondescript government disowned by the constitution? They cannot have recourse to the treaty of 1803 for such a distinction, since, independently of what I have before observed on that head, the gentlemen have contended that the treaty has nothing to do with the matter. They have cut themselves off from all chance of a convenient distinction in or out of that treaty by insisting that slavery beyond the old United States is rejected by the constitution and by the law of God, as discoverable by the aid of either reason or revelation; and, moreover, that the treaty does not include the case, and, if it did, could not make it better. They have therefore completely discredited their own theory by their own practise, and left us no theory worthy of being seriously controverted. This peculiarity in reasoning of giving out a universal principle, and coupling with it a practical

concession that it is wholly fallacious, has indeed run through the greater part of the arguments on the other side; but it is not, as I think, the more imposing on that account, or the less liable to the criticism which I have here bestowed upon it.

There is a remarkable inaccuracy on this branch of the subject, into which the gentlemen have fallen, and to which I will give a moment's attention without laying unnecessary stress upon it. The government of a new state, as well as of an old state, must, I agree, be republican in its *form*. But it has not been very clearly explained what the *laws* which such a government may enact can have to do with its *form*. The form of the government is material only as it furnishes a security that those laws will protect, and promote the public happiness, and be made in a republican spirit. The people being, in such a government, the fountain of all power, and their servants being periodically responsible to them for its exercise, the constitution of the Union takes for granted (except so far as it imposes limitations) that every such exercise will be just and salutary. The introduction or continuance of civil slavery is manifestly the mere result of the power of making laws. It does not in any degree enter into the form of the government. It presupposes that form already settled, and takes its rise not from the particular frame of the government, but from the general power which every government involves. Make the government what you will in its organization and in the distribution of its authorities, the introduction or continuance of involuntary servitude by the legislative power which it has created can have no influence on its pre-established form, whether monarchical, aristocratical, or republican. The form of government is still one thing, and the law, being a simple exertion of the ordinary faculty of legisla-

tion by those to whom that form of government has intrusted it, another. The gentlemen, however, identify an act of legislation sanctioning involuntary servitude with the form of government itself, and then assure us that the last is changed retroactively by the first and is no longer republican!

But let us proceed to take a rapid glance at the reasons which have been assigned for this notion that involuntary servitude and a republican form of government are perfect antipathies. The gentleman from New Hampshire has defined a republican government to be that in which all the *men* participate in its power and privileges; from whence it follows that where there are slaves, it can have no existence. A definition is no proof, however; and even if it be dignified (as I think it was) with the name of a maxim, the matter is not much mended. It is Lord Bacon who says "that nothing is so easily made as a maxim"; and certainly a definition is manufactured with equal facility. A political maxim is the work of induction, and cannot stand against experience, or stand on anything but experience. But this maxim, or definition, or whatever else it may be, sets fact at defiance. If you go back to antiquity, you will obtain no countenance for this hypothesis; and if you look at home, you will gain still less. I have read that Sparta, and Rome, and Athens, and many others of the ancient family, were republics. They were so in form, undoubtedly—the last approaching nearer to a perfect democracy than any other government which has yet been known in the world. Judging of them also by their fruits, they were of the highest order of republics. Sparta could scarcely be any other than a republic, when a Spartan matron could say to her son, just marching to battle, *Return victorious, or return no more.* It was the unconquerable spirit of liberty, nurtured by republican habits

and institutions, that illustrated the pass of Thermopylæ. Yet slavery was not only tolerated in Sparta, but was established by one of the fundamental laws of Lycurgus, having for its object the encouragement of that very spirit. Attica was full of slaves; yet the love of liberty was its characteristic. What else was it that foiled the whole power of Persia at Marathon and Salamis? What other soil than that which the genial sun of republican freedom illuminated and warmed could have produced such men as Leonidas and Militades, Themistocles and Epaminodas? Of Rome it would be superfluous to speak at large. It it sufficient to name the mighty mistress of the world, before Sylla gave the first stab to her liberties and the great dictator accomplished their final ruin, to be reminded of the practicability of union between civil slavery and an ardent love of liberty cherished by republican establishments.

If we return home for instruction upon this point, we perceive that same union exemplified in many a state, in which "Liberty has a temple in every house, an altar in every heart," while involuntary servitude is seen in every direction. Is it denied that those states possess a republican form of government? If it is, why does our power of correction sleep? Why is the constitutional guaranty suffered to be inactive? Why am I permitted to fatigue you, as the representative of a slave-holding state, with the discussion of the *nagæ canoræ* (for so I think them) that have been forced into this debate contrary to all the remonstrances of taste and prudence? Do gentlemen perceive the consequences to which their arguments must lead, if they are of any value? Do they reflect that they lead to emancipation in the old United States—or to an exclusion of Delaware, Maryland,

and all the South, and a great portion of the West, from the Union? My honorable friend from Virginia has no business here, if this disorganizing creed be anything but the production of a heated brain. The state to which I belong must "perform a lustration"—must purge and purify herself from the feculence of civil slavery, and emulate the states of the North in their zeal for throwing down a gloomy idol which we are said to worship, before her senators can have any title to appear in this high assembly. It will be in vain to urge that the old United States are exceptions to the rule; or, rather (as the gentlemen express it), that they have no *disposition* to apply the rule to them. There can be no exceptions, by implication only, to such a rule; and expressions which justify the exemption of the old states by inference will justify the like exemption of Missouri, unless they point exclusively to them, as I have shown they do not. The guarded manner, too, in which some of the gentlemen have occasionally expressed themselves on this subject is somewhat alarming. They have no *disposition* to meddle with slavery in the old United States. Perhaps not; but who shall answer for their successors? Who shall furnish a pledge that the principle once ingrafted into the constitution will not grow, and spread, and fructify, and overshadow the whole land? It is the natural office of such a principle to wrestle with slavery wheresoever it finds it. New states, colonized by the apostles of this principle, will enable it to set on foot a fanatical crusade against all who still continue to tolerate it, although no practicable means are pointed out by which they can get rid of it consistently with their own safety. At any rate, a present forbearing disposition, in a few or in many, is not a security upon which much reliance can be placed upon a subject as to which so many

selfish interests and ardent feelings are connected with the cold calculations of policy. Admitting, however, that the old United States are in no danger from this principle, why is it so? There can be no other answer (which these zealous enemies of slavery can use) than that the constitution recognizes slavery as existing, or capable of existing, in those states. The constitution, then, admits that slavery and a republican form of government are not incongruous. It associates and binds them up together, and repudiates this wild imagination which the gentlemen have pressed upon us with such an air of triumph. But the constitution does more, as I have heretofore proved. It concedes that slavery may exist in a new state as well as in an old one—since the language in which it recognizes slavery comprehends new states as well as actual. I trust, then, that I shall be forgiven if I suggest that no eccentricity in argument can be more trying to human patience than a formal assertion that a constitution, to which slave-holding states were the most numerous parties, in which slaves are treated as property as well as persons, and provision is made for the security of that property, and even for an augmentation of it, by a temporary importation from Africa, a clause commanding Congress to guarantee a republican form of government to those very states as well as to others, authorizes you to determine that slavery and a republican form of government cannot co-exist.

But if a republican form of government is that in which *all* the men have a share in the public power, the slave-holding states will not alone retire from the Union. The constitutions of some of the other states do not sanction universal suffrage or universal eligibility. They require citizenship and age, and a certain amount of property, to give a title to vote or to be voted for; and they who have not those quali-

fications are just as much disfranchised, with regard to the government and its power, as if they were slaves. They have civil rights, indeed (and so have slaves in a less degree), but they have no share in the government. Their province is to obey the laws, not to assist in making them. All such states must therefore be forisfamiliated with Virginia and the rest, or change their system; for the constitution, being absolutely silent on those subjects, will afford them no protection. The Union might thus be reduced from a union to a unit. Who does not see that such conclusions flow from false notions; that the true theory of a republican government is mistaken, and that in such a government rights, political and civil, may be qualified by the fundamental law upon such inducements as the freemen of the country deem sufficient? That civil rights may be qualified as well as political is proved by a thousand examples. Minors, resident aliens who are in a course of naturalization—the other sex, whether maids, or wives, or widows, furnish sufficient practical proofs of this.

Again—if we are to entertain these hopeful abstractions, and to resolve all establishments into their imaginary elements in order to recast them upon some Utopian plan, and if it be true that all the *men* in a republican government must help to wield its power and be equal in rights, I beg leave to ask the honorable gentlemen from New Hampshire "And why not all the *women?*" They, too, are God's creatures, and not only very fair, but very rational creatures; and our great ancestor, if we are to give credit to Milton, accounted them the "wisest, virtuousest, discreetest, best," although, to say the truth, he had but one specimen from which to draw his conclusion, and possibly if he had more would not have drawn it at all. They have, moreover, acknowledged civil rights in abundance, and,

upon abstract principles, more than their masculine rulers allow them, in fact. Some monarchies, too, do not exclude them from the throne. We have all read of Elizabeth of England, of Catherine of Russia, of Semiramis, and Zenobia, and a long list of royal and imperial dames, about as good as an equal list of royal and imperial lords. Why is it that their exclusion from the power of a popular government is not destructive of its republican character? I do not address this question to the honorable gentleman's gallantry, but to his abstraction, and his theories, and his notions of the infinite perfectibility of human institutions, borrowed from Godwin and the turbulent philosophers of France. For my own part, sir, if I may have leave to say so much in the presence of this mixed uncommon audience, I confess I am no friend to female government, unless, indeed, it be that which reposes on gentleness, and modesty, and virtue, and feminine grace, and delicacy; and how powerful a government that is, we have all of us, as I suspect, at some time or other experienced! But if the ultra republican doctrines which have now been broached should ever gain ground among us, I should not be surprised if some romantic reformer, treading in the footsteps of Mrs. Wolstonecraft, should propose to repeal our republican law salique and claim for our wives and daughters a full participation in political power, and to add to it that domestic power, which in some families, as I have heard, is as absolute and unrepublican as any power can be.

I have thus far allowed the honorable gentlemen to avail themselves of their assumption that the constitutional command to guarantee to the states a republican form of government gives power to coerce those states in the adjustment of the details of their constitutions upon theoretical speculations.

But surely it is passing strange that any man who thinks at all can view this salutary command as the grant of a power so monstrous, or look at it in any other light than as a protecting mandate to Congress to interpose with the force and authority of the Union against that violence and ursurpation by which a member of it might otherwise be oppressed by profligate and powerful individuals or ambitious and unprincipled factions.

In a word, the resort to this portion of the constitution for an argument in favor of the proposed restriction is one of those extravagances (I hope I shall not offend by this expression) which may excite our admiration, but cannot call for a very rigorous refutation. I have dealt with it accordingly, and have now done with it.

We are next invited to study that clause of the constitution which relates to the migration or importation, before the year 1808, of such persons as any of the states then existing should think proper to admit. It runs thus: "The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

It is said that this clause empowers Congress, after the year 1808, to prohibit the passage of slaves from state to state, and the word "migration" is relied upon for that purpose.

I will not say that the proof of the existence of a power by a clause which, as far as it goes, denies it, is always inadmissible; but I will say that it is always feeble. On this occasion it is singularly so. The power, in an affirmative shape, cannot be found in the constitution, or, if it can, it is equivocal and

unsatisfactory. How do the gentlemen supply this deficiency? By the aid of a negative provision in an article of the constitution, in which many restrictions are inserted *ex abundanti cautela,* from which it is plainly impossible to infer that the power to which they apply would otherwise have existed. Thus—"No bill of attainder or *ex post facto* law shall be passed." Take away the restriction—could Congress pass a bill of attainder, the trial by jury in criminal cases being expressly secured by the constitution? The inference, therefore, from the prohibition in question, whatever may be its meaning, to the power which it is supposed to restrain, but which you cannot lay your finger upon with any pretensions to certainty, must be a very doubtful one. But the import of the prohibition is also doubtful, as the gentlemen themselves admit. So that a doubtful power is to be made certain by a yet more doubtful negative upon power; or, rather, a doubtful negative, where there is no evidence of the corresponding affirmative, is to make out the affirmative, and to justify us in acting upon it, in a matter of such high moment, that *questionable* power should not dare to approach it. If the negative were perfectly clear in its import, the conclusion which has been drawn from it would be rash, because it might have proceeded, as some of the negatives in whose company it is found evidently did proceed, from great anxiety to prevent such assumptions of authority as are now attempted. But when it is conceded that the supposed import of this negative (as to the term *migration*) is ambiguous, and that it may have been used in a very different sense from that which is imputed to it, the conclusion acquires a character of boldness, which, however some may admire, the wise and reflecting will not fail to condemn.

In the construction of this clause, the first remark

that occurs is that the word *migration* is associated with the word *importation*. I do not insist that *noscitur a sociis* is as good a rule in matters of interpretation as in common life; but it is, nevertheless, of considerable weight when the associated words are not qualified by any phrases that disturb the effect of their fellowship; and unless it announces (as in this case it does not) by specific phrases combined with the associated term, a different intention. Moreover, the ordinary unrestricted import of the word *migration* is what I have here supposed. A removal from district to district, within the same jurisdiction, is never denominated a *migration* of persons. I will concede to the honorable gentlemen, if they will accept the concession, that ants may be said to migrate when they go from one ant-hill to another at no great distance from it. But even then they could not be said to migrate, if each ant-hill was their home in virtue of some federal compact with insects like themselves. But, however this may be, it should seem to be certain that human beings do not migrate, in the sense of a constitution, simply because they transplant themselves from one place, to which that constitution extends, to another which it equally covers.

If this word *migration* applied to freemen and not to slaves, it would be clear that removal from state to state would not be comprehended within it. Why, then, if you choose to apply it to slaves, does it take another meaning as to the place from whence they are to come?

Sir, if we once depart from the usual acceptation of this term, fortified as it is by its union with another in which there is nothing in this respect equivocal, will gentlemen please to intimate the point at which we are to stop? *Migration* means, as they contend, a removal from state to state, within the pale

of the common government. Why not a removal also from county to county, within a particular state—from plantation to plantation—from farm to farm —from hovel to hovel? Why not any exertion of the power of locomotion? I protest I do not see, if this arbitrary limitation of the natural sense of the term *migration* be warrantable, that a person to whom it applies may not be compelled to remain immovable all the days of his life (which could not well be many) in the very spot, literally speaking, in which it was his good or his bad fortune to be born.

Whatever may be the latitude in which the word "persons" is capable of being received, it is not denied that the word "importation" indicates a bringing in from a jurisdiction foreign to the United States. The two *termini* of the *importation,* here spoken of, are a foreign country and the American Union; the first the *terminus a quo,* the second the *terminus ad quem.* The word *migration* stands in simple connection with it, and, of course, is left to the full influence of that connection. The natural conclusion is that the same *termini* belong to each, or, in other words, that if the *importation* must be abroad, so also must be the *migration,* no other *termini* being assigned to the one which are not manifestly characteristic of the other. This conclusion is so obvious that, to repel it, the word *migration* requires, as an appendage, explanatory phraseology, giving to it a different beginning from that of *importation.* To justify the conclusion that it was intended to mean a removal from state to state, each within the sphere of the constitution in which it is used, the addition of the words *from one to another state in this Union* were indispensable. By the omission of these words, the word "migration" is compelled to take every sense of which it is fairly susceptible from its immediate neighbor "importation."

In this view it means a *coming,* as "importation" means a *bringing,* from a foreign jurisdiction into the United States. That it is susceptible of this meaning nobody doubts. I go further. It can have no other meaning in the place in which it is found. It is found in the constitution of this Union, which, when it speaks of *migration* as of a general concern, must be supposed to have in view a migration into the domain which itself embraces as a general government.

Migration, then, even if it comprehends slaves, does not mean the removal of them from state to state, but means the coming of slaves from places beyond their limits and their power. And if this be so, the gentlemen gain nothing for their argument by showing that slaves were the objects of this term.

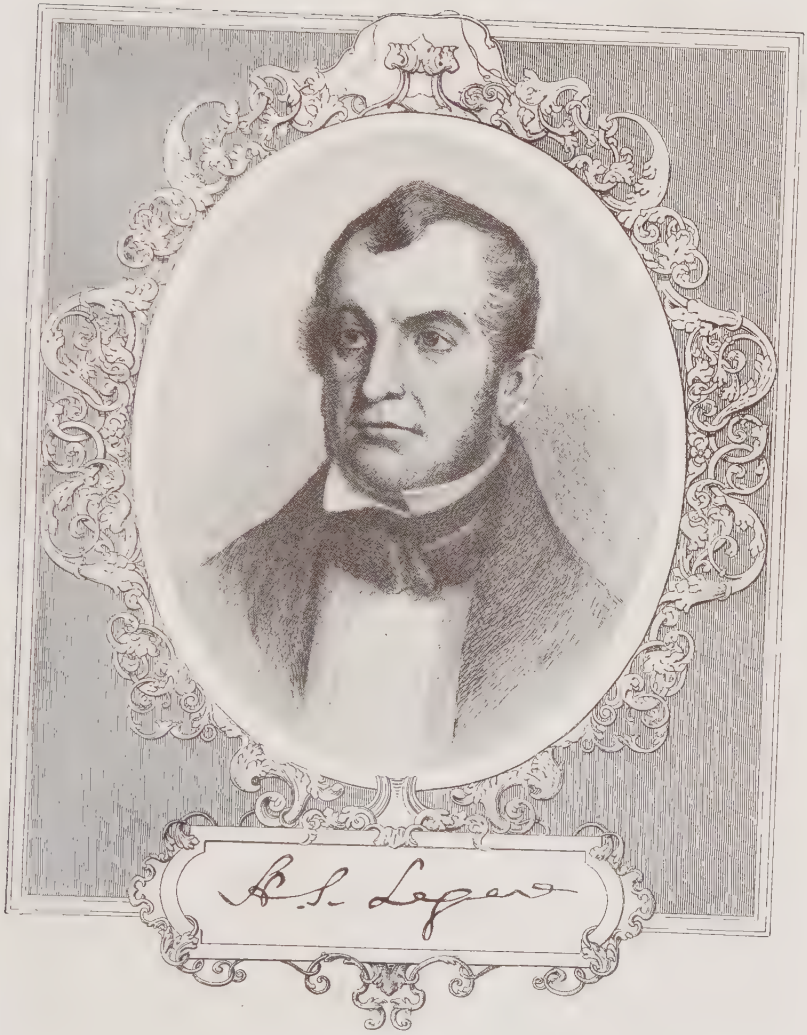
An honorable gentleman from Rhode Island, whose speech was distinguished for its ability and for an admirable force of reasoning, as well as by the moderation and mildness of its spirit, informed us, with less discretion than in general he exhibited, that the word "migration" was introduced into this clause at the instance of some of the Southern states, who wished by its instrumentality to guard against a prohibition by Congress of the passage into those states of slaves from other states. He has given us no authority for this supposition, and it is, therefore, a gratuitous one. How improbable it is, a moment's reflection will convince him. The African slave trade being open during the whole of the time to which the entire clause in question referred, such a purpose could scarcely be entertained; but if it had been entertained, and there was believed to be a necessity for securing it, by a restriction upon the power of Congress to interfere with it, is it possible that they who deemed it important would have contented themselves with a vague restraint, which was

calculated to operate in almost any other manner than that which they desired? If fear and jealousy, such as the honorable gentleman has described, had dictated this provision, a better term than that of "migration," simple and unqualified, and joined, too, with the word "importation," would have been found to tranquilize those fears and satisfy that jealousy. Fear and jealousy are watchful, and are rarely seen to accept a security short of their object, and less rarely to shape that security of their own accord, in such a way as to make it no security at all. They always seek an explicit guaranty; and that this is not such a guaranty this debate has proved, if it has proved nothing else.

Sir, I shall not be understood by what I have said to admit that the word *migration* refers to *slaves.* I have contended only that if it does refer to slaves, it is in this clause synonymous with *importation;* and that it cannot mean the mere passage of slaves, with or without their masters, from one state in the Union to another.

But I now deny that it refers to slaves at all. I am not for any man's opinions or his histories upon this subject. I am not accustomed *Jurare in verba magistri.* I shall take the clause as I find it, and do my best to interpret it.

After going through with that part of his argument relating to this clause of the constitution, Mr. Pinkney concluded his speech by expressing a hope that (what he deemed) the perilous principles urged by those in favor of the restriction upon the new state would be disavowed or explained, or that at all events the application of them to the subject under discussion would not be pressed, but that it might be disposed of in a manner satisfactory to all by a prospective prohibition of slavery in the territory to the north and west of Missouri.


A. S. Lapeer

HUGH S. LEGARÉ.

SPEECH BEFORE THE UNION PARTY.

[Speech delivered before the Union and State Rights Party, Charleston, S. C., July 4, 1831.]

Mr. Legaré said that he was obliged to the meeting for the opportunity offered him, according to an established usage, of saying what he thought and felt upon the momentous occasion (for so it seemed to him), that had brought them together, and would gladly avail himself of it to speak very much at length, were it not physically impossible to make himself be heard in so vast an assemblage. He thought it due to himself and to those who were of the same way of thinking, that their sentiments should be fairly and fully expressed—for he had no doubt they were such as would meet the hearty concurrence of a great majority of the people of South Carolina. He felt the less regret, however, at the self-denial he was obliged to practice, because the able speech of the orator of the day had maintained the doctrines which he (Mr. L.) professed, and for which, as the representative of the people of Charleston, he had strenuously, and, he flattered himself not unsuccessfully, contended in the legislature of the state during several successive sessions. These doctrines they had heard expounded and enforced, that morning, by a man and in a manner worthy of the proudest days of this proud city, nor did he think that any one could have listened to that discourse, without being the wiser and better for it.

It has been frequently thrown out of late, in the language of complaint and censure (said Mr. L.), and on a recent occasion, very emphatically, by a gentleman for whom on every account, I entertain the profoundest respect, that there is a certain party among us, who seem much more intent upon "correcting the errors of some of our statesmen" (as they are said *modestly* to express it) than upon putting their shoulders to the wheel along with the rest of their fellow-citizens, in an honest and manly effort to relieve the state from the burdens under which it is thought to be sinking—in plain English that their pretended hostility to the tariff acts is all a sham. Sir, this would be a severe rebuke, if it were deserved. I for one should be very sorry to think that the part I am taking in the proceedings of this day were open to that construction. God knows it was with extreme reluctance that I made up my mind to take this step. But what was I to do? What alternative has been left us by those who have the constructive majority of the state, that is to say, the majority of the legislature at their back? They have chosen to narrow down the whole controversy concerning the American system to a single point. They have set up an issue and demand a categorical expression of opinion upon the expediency of immediately interposing the sovereign power of the state, to prevent the execution of the tariff law. That is to say, according to Mr. M'Duffie's reading (the only sensible reading), of that rather ambiguous phrase, to raise the standard of the state, and to summon her subjects, by the allegiance which they owe to *her*, to gather around it in order to resist a law of Congress. Sir, if I do not misunderstand all that we have recently heard from men in high places (and if I do misunderstand them, it is not because I have not most anxiously and patiently examined whatever

they have said and done), this, and this alone, is the question now before us. In such a question all minor considerations are swallowed up and lost. Upon such a question, no man can, or ought to be—no man in the face of a community, excited and divided as this, *dare* be neutral. It is propounded to us, after the fashion of the old Roman Senate—you who think thus, go thither—you who are of *any other opinion* stay here. The country calls upon every individual, however humble he may be, to take his post in this mighty conflict. Sir, I obey that paramount command, and be it for weal or be it for woe, be it for glory, or be it for shame, for life and for death, here I am.

But, Sir, I repeat it, I should most deeply regret that what we are now doing should be thought to give any countenance to any part of the "American System." It is known, I believe, to everybody present, from various publications which have been long before the community, that I think that system unconstitutional, unjust and inexpedient. This opinion I did not take up hastily, for with regard to the tariff, I, in common with everybody else in the state, once thought it within the competency of Congress. But more mature inquiry has resulted in a change of my opinion upon that subject, and although I dare not express myself so confidently in respect to it as it is the habit of the times to do, I must be permitted to say, that I am more and more strengthened in that conviction by every day's experience and reflection. Sir, if I had any doubt about the matter, the proceedings of this day would be sufficient to dispel it. It is melancholy to think of the change which has been made in the feelings and opinions of some of the best and ablest men among us, by this pernicious system—to reflect that alienation and distrust, nay, in some instances, perhaps, that

wrath and hostility now possess those bosoms which were but a few years ago warmed with the loftiest and the holiest enthusiasm for the government of their own and their father's choice. The authors of this policy are indirectly responsible for this deplorable state of things, and for all the consequences that may grow out of it. They have been guilty of an inexpiable offence against their country. They found us a united, they have made us a distracted people. They found the Union of these states an object of fervent love and religious veneration; they have made even its utility a subject of controversy among very enlightened men. They have brought us not peace but a sword. It is owing to this policy that the government has to bear the blame of whatever evils befall the people, from natural or accidental causes—that whether our misfortunes spring from the barrenness of the earth, or the inclemency of the seasons, or the revolutions of commerce, or a defective system of domestic and rural economy—or, in short, from any other source, they are all indiscriminately imputed to the tariff. The decay and desolation which are invading many parts of the lower country—the fall in the price of our great staple commodity—the comparative unproductiveness of slave labor—are confidently declared to be the effects of this odious and tyrannical monopoly. Sir, firmly convinced as I am that there is no sort of connection (or an exceedingly slight one), between these unquestionable facts and the operation of the tariff law, yet I do not wonder at the indignation which the imposition of such a burthen of taxation has excited in our people in the present unprosperous state of their affairs. I have sympathized and do sympathize with them too deeply to rebuke them for their feelings, however improper I deem it

to be to act upon such feelings, as recklessly as some of their leaders would have them do.

Sir, it is not only as a Southern man, that I protest against the tariff law. The doctrine of Free Trade is a great fundamental doctrine of civilization. The world must come to it at last, if the visions of improvement in which we love to indulge are ever to be realized. It has been justly remarked that most of the wars which have for the last two centuries desolated Europe, and stained the land and sea with blood, originated in the lust of colonial empire, or commercial monopoly. Great nations *cannot be held together under a united government* by anything short of despotic power, if any one part of a country is to be arrayed against another in a perpetual scramble for privilege and protection, under any system of protection. They must fall to pieces, and if the same blind selfishness and rapacity animate the fragments which had occasioned the disunion of the whole, there will be no end to the strife of conflicting interests. When you add to the calamities of public wars and civil dissensions, the crimes created by tyrannical revenue laws, and the bloody penalties necessary to enforce them, the injustice done to many branches of industry, to promote the success of others, the pauperism, the misery, the discontent, the despair, and the thousand social disorders which such a violation of the laws of nature never fails to engender, you will admit, I think, that the cause of Free Trade is the great cause of human improvement. Sir, I can never sufficiently deplore the infatuation which has brought such a scourge upon this favored land—which has entailed, so to speak, the curse of an original sin upon a new world, and upon the continually multiplying millions that are to inhabit it. Most heartily shall I coöperate in any measure, not revolutionary, to do away with

the system which has already become a fountain of bitter waters to us—which threatens to become to another generation a source of blood and tears—and I heartily rejoice at the dawn of hope which has opened upon us in the proposed convention at Philadelphia. Not that I am sanguine as to the *immediate* result of such a meeting; but, if it be filled, as it ought to be, with leading and enlightened men from all parts of the country, which think as we do upon this great subject, it will awaken the attention of the people, it will lend to general discussion, it will give scope, if I may so express it, for the operation of those momentous truths on which we rely, and I cannot, and will not despair of the Republic, as it came down to us from the most venerable band of sages and heroes that ever laid the foundation of a great empire, until I become satisfied by much better evidence than any I have yet seen, that it is in vain to appeal to the good sense and kindly feelings of the American people. Meanwhile, to the measure which is now under consideration, and which, by whatever name it may be called, is, in my opinion, essentially revolutionary, I am, as I ever have been, decidedly opposed. I regarded it, when it was first mentioned in 1828, as an ill-omened and disastrous project—calculated to divide us among ourselves, to alienate from us the minds of our natural allies in such a struggle, the agricultural states in our neighborhood, and to involve us in difficulties from which we should not be able to retreat without dishonor, and in which we could not persevere without inevitable and irretrievable ruin —I might have been wrong, but I acted upon deep and solemn conviction, and I thank God, from the bottom of my heart, for being permitted to indulge in the consoling persuasion, that my humble labors

on that memorable occasion did contribute in some degree to avert these calamities.

Sir, this is no occasion for going into a detailed analysis of the doctrine of nullification, a doctrine which, as taught in "the Exposition," I undertake to say involves just as many paradoxes and contradictions as there are topics relied on to maintain it —but I cannot refrain from presenting a single view of it, which is of itself entirely conclusive. You will observe, Mr. President, that the difference between us and the advocates of this doctrine is not as to the question how far a state is bound to acquiesce in an unconstitutional act of Congress; or (which is the same thing) how far it has a right "to interpose to arrest the progress" of such legislation. We admit this right in the most unqualified manner; for, *if* the law be unconstitutional, it is no law at all. So far there is no difference and can be no difference between us. The question is not as to the *right,* nor even as to the remedy, but as to what shall ensue upon the *exercise of the right,* or the application of the remedy. The advocates of nullification insist upon it, that the interference of the states in such a case would be a peaceful act—we say it would be, even upon *their own showing, an act of war*—a revolutionary measure—a remedy derived from a source above all law, and an authority which bows to no arbiter but the sword—and this is susceptible of as rigorous demonstration as any point within the whole compass of public law.

For the sake of argument, I concede all that the most extravagant writers in our newspapers have ever assumed, and a great deal more than the most able of them can prove—I will grant that the government of the United States is no government at all—that it is not only a compact between independent states, but that it is a compact of no peculiar

solemnity or efficacy—conveying no powers not usually granted by international treaties, establishing no intimate relations between the different parts of the country, not subjecting *the citizens,* in the *least,* to the jurisdiction of the Federal Courts, not binding upon his conscience, not imposing upon him the obligations of allegiance, not making him liable in any case to the penalties of treason. I will not put the case as strongly as possible for the advocates of the doctrine. I will suppose that this constitution, of which we have been boasting so much for near half a century, is found out to be a league between foreign powers, and that every question that can arise under it is, in the strictest sense of the word, a merely *political* question. What then, sir? Did you ever hear of one party to a league having a right—not to judge for himself of its meaning, mark the distinction—but—to *bind the other party by his judgment?* I admit that there is no common arbiter—that each of the parties is to judge for himself—does that mean that he shall judge for the others too? A compact between states is as binding as a compact between individuals—it creates what is called by text writers "a perfect obligation"—there is no doubt but that a sovereignty is obliged before God and man scrupulously to fulfil the conditions of its agreements. But sovereignties with regard to each other are in a state of nature—they have no common superior to enforce compliance with their covenants, and if any difference arise as to their rights and liabilities under them, what says the law of nature and nations? Why what can it say, but that each shall do as it pleases—or that force shall decide the controversy? Is there any imaginable alternative between the law and the sword, between the judgment of some regularly constituted umpire, chosen before hand by the common consent of the contracting par-

ties, and the *ultima ratio regum?* Sir, we have been told that state sovereignty is and ought to be governed by nothing but its own "feelings of honorable justice,"—it comes up, in the declamation of the day, to the description of that irascible, imperious and reckless hero, whose wrath and the woes it brought upon his country are an admirable theme for an epic or a tragic song, but would not, I suppose, be recommended as the very highest of all possible examples in morality:

> "Impiger, iracundus, inexorabilis, acer,
> Jura negat sibi nata, nihil non arrogat armis."

Yet strange to say, the very men who paint to us the sovereignty of the states in such colors, and would cavil about the ninth part of a hair where their own rights and interests are concerned, forget entirely that there are any other parties to the compact but South Carolina, or that those parties have any right to exercise, or any interests to maintain! "We have a right to judge for ourselves," they say, "how far are we bound by the constitution, or how far we shall comply with it." Grant it. But what of the other twenty-three parties? Are they bound by *our* decision? Shall they not think for themselves, because we say that an act, which they have all declared (or the great majority of them) to be within the meaning of the treaty and binding upon us, is not so? *If* our opinion is just we are not bound. Admit it. But *if* their's is just we are bound. Now the whole fallacy of the argument on the other side consists in coolly taking for granted the very matter in dispute—in blotting out this if—in denying to others the very right of judging which we claim for ourselves—and in expecting them, exacting it of them, to act upon our convictions instead of their own.

Sir, it may be that they will do so. Instances upon instances have been laboriously compiled of late, by a writer in one of the leading journals of the country, to show how often the government has been forced, right or wrong, to yield to the resistance of the states. I shall say nothing of these examples —except that *some* of them have never been mentioned until recently but with scorn and indignation. But I maintain that not one of them—no, not one—goes to show that the other parties to the compact might not, if they had been so minded, have rightfully insisted upon enforcing their construction of the contract. I will only remark, as to Georgia and the Cherokees, that as that state was clearly right in her pretensions from first to last, so she maintained her rights by open force, and made no scruple about professing to do so.

Mr. President, the argument which I now advance is too clear for controversy. It addresses itself to the common sense of mankind, and the bare stating of it is sufficient to show how incongruous and absurd the doctrine of the *veto* is, so far as it rests upon general reasonings, and the law of nature—the only law acknowledged by sovereigns. But if any authority be wanted to confirm it, there is abundance of it at hand. Look into the writings of the publicists—they are full of it. By the established law of nations, each party construes a treaty for itself—but then it allows the other to do the same, and, if the difference between them be deemed important enough, that other has the option either of *rescinding the whole treaty* (in the case before us, putting the state out of the Union), or making war to enforce it. "If one of the allies fail in his engagements (says Vattel), the other may constrain him to fulfil them; this is the right derived from a perfect promise. But, if he has no other way but that of arms to con-

strain an ally to keep his word, it is sometimes more expedient to disengage himself from his promises and break the treaty. *He has undoubtedly a right to do this;* having promised only on condition that his ally should accomplish, on his side, everything he is obliged to perform. The ally, offended or injured in what relates to the treaty, may then choose either to oblige the perfidious ally to fulfil his engagements, or declare the treaty broken by the violation of it."—*Vatt. Sec. 200.* This civilian then proceeds to lay down the rule, that the violation of one article of the treaty is a violation of the whole. He admits that this ought not to be rashly done, and says that the sovereign deeming himself aggrieved "is permitted to threaten the other to renounce the entire treaty—*a menace that may be lawfully put in execution, if it be despised.* Such is, doubtless, the conduct which prudence, moderation, the love of peace and charity would commonly prescribe to nations. Who will deny this, and *madly advance that sovereigns are allowed suddenly to have recourse to arms or wholly to break every treaty of alliance for the least subject of complaint?* But the case here is about a *right,* and not about the steps that ought to be taken to obtain justice—besides, the principle upon which such a (contrary) decision is founded, is *absolutely unsupportable,"* etc.; and he goes on to demonstrate this more at large. He quotes Grotius to show that the clause is sometimes inserted, "that a violation of some of the articles shall not break the whole, in order that one of the parties should not get rid of the engagement on account of a small offence."—*See Sec. 202.*

Now it would be mere caviling to say that Vattel allows of this appeal to arms only where the party that has recourse to such measures is, in fact, injured: for the question recurs, who is to judge of

that? Each party judges for itself at its peril, and war alone can "arbitrate the event," or if a peaceful course be preferred, the whole compact is at an end.

Shall I be told, in answer to this reasoning and the concurring opinions of all publicists of respectability, that Mr. Madison and Mr. Jefferson did not think so in '98? Sir, if they taught any other doctrine, I leave it to those who have better understanding than mine, to explain what they meant. But, if it be affirmed that the purport of their resolutions was that, by the inherent attribute of sovereignty, any single party to the Federal compact may interpose in order to prevent the execution of a law passed by the rest, and that the *others may not maintain their construction of the constitution,* either by coercing that single state into acquiescence, or shutting her out of the Union altogether, at their option, then I have no hesitation in declaring it, as my opinion, that they advanced a proposition, inconsistent with every principle of public law, without a shadow of foundation in the Constitution of the United States, and utterly repugnant to the common sense of mankind. And what, if they did advance such a paradox, so novel, so singular, so incomprehensible? Are the opinions of two men—however respectable and distinguished—speculative opinions, too, for neither Virginia nor Kentucky made a case by acting upon these notions—are the adventurous and speculative opinions of two individuals, conceived and put forth in a time of great excitement, to settle the public law of this country, everything in our constitution, and our books, and our common sense to the contrary, notwithstanding? Why, sir, even under the feudal system—a scheme of organized anarchy, if I may use the expression—the most that an injured fudatory ever claimed, was the right to make war upon his lord, who denied him justice,

without incurring the penalties of treason. But it was reserved for the Nineteenth century to discover that great secret of international law and to deduce it, too, by abstract reasoning, upon the fitness of things—a right of war in one party out of twenty-four, whenever the mood prompts, or doing what amounts to an act of war, accompanied by the duty of implicit acquiescence in all the rest! But the truth is, that neither Mr. Jefferson nor Mr. Madison had any such wild and chimerical conceits; as, I think, perfectly demonstrable from the very text cited to maintain the opposite opinion.

I have had occasion, frequently, to examine this subject, and I speak with confidence upon it. And, assuredly, that confidence is not diminished by the emphatic declaration of Mr. Madison himself—by the contemporaneous exposition of the resolutions in the Virginia Assembly—by the disavowal of the doctrine by all the leading members of the Democratic party, with Mr. Livingston at their head—and by the unfeigned surprise which the whole country, Virginia and Kentucky included, expressed upon the first propounding of this extraordinary proposition, in 1828. The Virginia resolutions talk of the right to interpose—do they say what is to ensue upon the exercise of that right? No, sir, they thought that intelligible enough—they were asserting no more than what has been so expressively and pointedly designated as the "right to fight" and they meant, if they meant anything, no more than a declaration of opinion, to back their declarations by 100,000 militia, as I understand the phrase of the day to have been. This is the plain English of the matter—and one ground of objection to the "Carolina doctrine," as it has been called (though I doubt not very accurately), is that it is not in plain English—that the people may be led, by a fatal decep-

tion, to do what they have never seriously contemplated, and what no people ought to do, without a solemn self-examination, and a deliberate view to consequences.

Sir, we have heard of "nursery tales of raw heads and bloody bones." I am sorry that such an expression escaped the lips of the distinguished person who uttered it, and I lament still more that he gave it to the world in print. I am sure when he comes to reconsider, he cannot approve it—unless, indeed, he means to declare that the rest of the states are too cowardly or too feeble even to attempt to enforce their construction of the compact. This may be so, but for my part, I cannot consent to act upon such a calculation. If we do what we firmly believe it is our duty to do, let us make up our minds to meet all consequences. If there is any feature of the American Revolution more admirable than another, it is that our fathers had fully counted the cost before they took a single step. The leaders of the people were at great pains to inform them of the perils and privations which they were about to encounter. They put them on their guard against precipitate determinations. They impressed it upon their minds that a period was at hand, which called for "patience and heroic martyrdom"—they had not as yet a country to save, or a government worth to be transmitted to posterity, or how much more anxious would their deliberations have been. The language of a great, popular leader at Boston, before the first overt act of resistance, has made a deep impression upon my mind, and deserves to be repeated here. "It is not the spirit that vapors within these walls (said Mr. Quincy), that must stand us in stead. The exertions of this day will call forth *events,* which will make a very different spirit necessary for our salvation. Look to the end. Whoever supposes that

shouts and hosannas will terminate the trials of this day entertains a childish fancy. We must be grossly ignorant of the importance and the value of the prize we are contending for—we must be equally ignorant of the power of those who are contending against us—we must be blind to that *malice, inveteracy,* and unsatiable revenge which actuate our enemies, to hope we shall end this controversy, without the sharpest conflicts—to flatter ourselves that popular resolves, popular harangues, popular acclamations and popular vapor will vanquish our foes. Let us consider the *issue.* Let us *weigh and consider* before we advance to those measures which must bring on the most trying and terrible struggle this country ever saw."

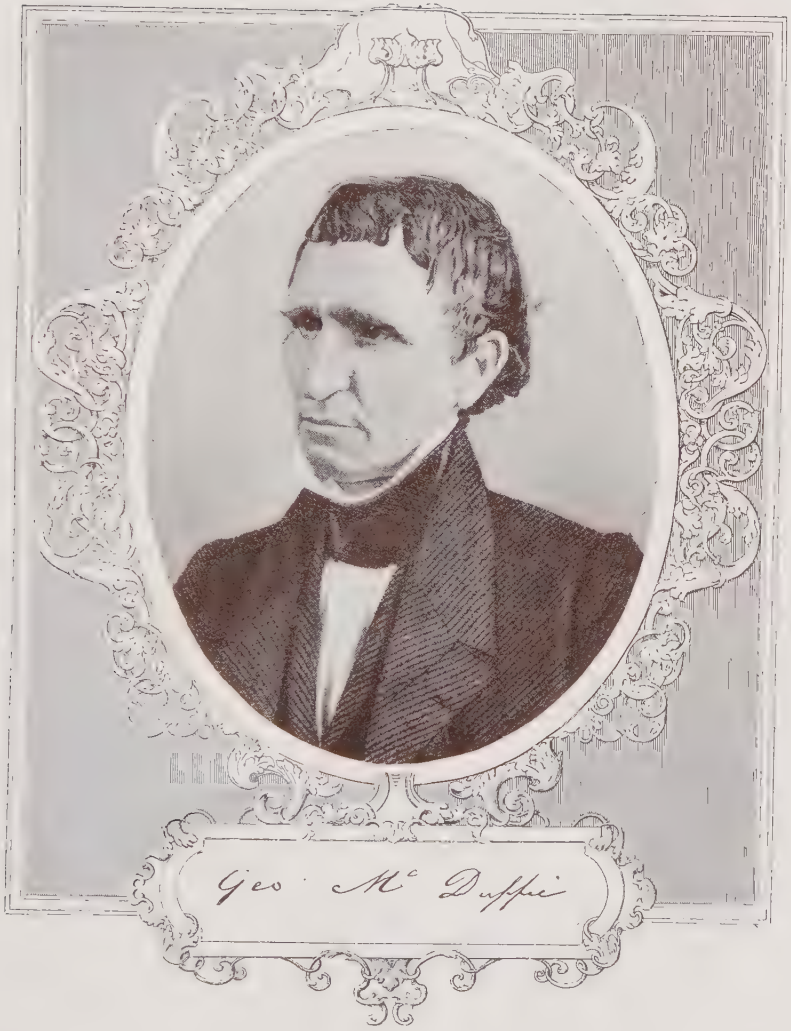
To this complexion it *must* come at last, and the only question now submitted to the people of South Carolina, is—Are you ready to absolve yourselves from your allegiance to the government of the United States, and to take and maintain your station as a separate commonwealth among the nations of the earth?

I have confined myself, in the discussion of this subject, to a single point in one branch of it. I have said nothing about the extent of our grievances, so enormously exaggerated by the "Exposition." Even in regard to the proposed remedy by nullification, I have chosen to take up the question as it is presented by the warmest advocates of that doctrine—and I submit that I have made it plain that, even on *their own showing,* it is necessarily an act of war—a revolutionary measure. But, in doing so, I have conceded a great deal too much—I have allowed them to treat our elaborate and peculiar polity, which we have been taught to regard as one of the master-pieces of human invention—as if it were the coarsest and loosest of those occasional expedients

to preserve peace among foreign powers, leagues, offensive and defensive. If their argument is wholly inconclusive and indeed manifestly incongruous and absurd even in this point of view, what shall be said of it, when it is thoroughly and critically examined with reference to a true state of the case? Sir, I have no language to express my astonishment that such a doctrine should have found any countenance from the able and enlightened men who have given in their adhesion to it.

We have been taught as *submissionists*—I am not afraid of a nickname—" 'Tis the eye of childhood that fears a painted devil." It would be easy—very, very easy to retort—but I prefer accepting our own denomination and putting my own interpretation upon it. I give you, Sir, *The Submission-men of South Carolina*—

> "They dare do all that may become a man,
> Who dares do more, is none."


Geo. McDuffie

GEORGE McDUFFIE.

THE TARIFF.

[Extract from speech delivered in the United States Congress May 28, 1832.]

I propose, sir, to submit some explanations, in addition to those already presented in a different form, of the views and principles which induced the Committee of Ways and Means to report the present bill as an adjustment of the great subject of the tariff. I must, however, in the outset, candidly acknowledge that I have not the least glimmering of hope that anything I may utter at this time, or which any human being can advance, in this hall, will induce the majority to adopt the measure now proposed, or any other measure founded on similar principles. Nay, sir, I am reluctantly compelled to go still further. Although I have been disposed to hope even against hope, that some providential coincidence of circumstances might yet intervene to incline the hearts of the majority to justice, and lead their deliberations to some propitious result, yet the developments and experience of every day have rendered it more apparent that all such expectations are utterly vain and delusive. As to any adjustment of this great question, therefore, which shall give tranquility to the public mind, and restore the broken harmony of this Union, "my final hope is flat despair." Under these circumstances, it may seem singular, but it is nevertheless true, that it is precisely because I do not hope to produce conviction upon the minds of this committee, and have no expectation that this great question will be adjusted here,

that I am more anxious to set forth, in the clearest and most distinct manner, the principles which govern me, and, as I believe, those who are associated with me, as well as the state we in common represent, in all the vicissitudes of this great contest for our inalienable rights. Sir, it is vain, it is worse than vain, to attempt to put by, to evade, or to palter with this question. It can no longer be disguised that there does exist, under the unjust and oppressive legislation of Congress, and without any agency of Providence to that effect, a radical hostility of interests between the two great subdivisions of this confederacy. And if the power of the majority, and not their sense of justice, is to decide the present controversy, it will be impossible ever to reconcile these conflicting interests. Such being the case, God only knows what is to be the end of this great political drama. One thing is certain; an eventful era is at hand, and whether it shall be signalized by the civil triumph, or by the catastrophe of constitutional liberty, history will record that triumph or that catastrophe, and posterity will pronounce judgment on the authors of it.

That my views and principles may be understood and appreciated by that august tribunal, and that the record which history shall make up may present the true issue between the two great contending parties, the oppressors and the oppressed, I will attempt before I take my seat, to demonstrate how grievous are the wrongs we have too patiently endured, and how vital and sacred are the rights for which we are contending.

But, before I proceed to examine the inequality and gross injustice of this combined system of taxation and protection, I shall ask the attention of the committee to a brief exposition of my views as to the amount of revenue which under existing circum-

stances, I deem it expedient to provide for defraying for the necessary and proper expenses of this government.

In deciding this question, there is no better criterion to which we can resort than the average expenditures of a former period, which all must acknowledge to furnish a proper basis for such a calculation. In 1821, our army was reduced from a war to a peace establishment. From the year following this reduction to the close of Mr. Monroe's administration in 1824, inclusive, I have made a calculation of the average expenses of this government for all objects, both permanent and contingent; and the result is, that these expenses amounted, annually, to a less sum than $10,000,000. Many of those who hear me will bear me out when I say that when I first took my seat in this body, I was regarded as very extravagant in my notions in regard to the public expenditure, because I justified the expenditures of the administration. Sir, Mr. Monroe's administration was denounced by a large party in this country for its extravagance. It was accused of preparing a way for a great and splendid government, instead of regarding those principles of economy laid down by the fathers of our political church. I did not think so then, nor do I think so now; and I shall hail the day when the present, or any future administration shall bring back the expenses of the government to the annual sum of $10,000,000, which I believe to be ample provision for all the exigencies of the country. But, sir, so far from wishing to dismantle our fortifications, suffer the navy to rot upon the docks, and leave the nation entirely defenceless, as has been suggested in a report recently offered in the House, I am for maintaining all the institutions of the country on a respectable footing, and am willing, to raise whatever amount of revenue may be

necessary for that purpose, though I am aware that the burden will be very unequally distributed, even by this bill.

* * *

I will here remark, sir, that the people of the South (whether correctly or not, I will hereafter consider) are firmly impressed by the belief that, under any system of duties, while the revenue is derived almost exclusively from imports, their proportion of the burdens imposed by federal taxation will be greater than it ought to be according to the principle of the constitution which regulates the apportionment of direct taxes. Under these circumstances, they think they have a right to insist that the aggregate burden of taxation shall be as light as possible, and that not a dollar be expended by the government that can be avoided by rigid economy.

* * *

It is justice, and not interest, that consecrates the struggles of men and of nations. It will not do, therefore, to show me, however, that the passage of this bill will destroy your interests and desolate your country, as the existing system has destroyed and desolated mine. I am not now considering interests, but your rights: I am not going to try this question by the barbarian test of power and numbers, but by the principles of eternal justice. * * * I will first ask, in what mode, and by what process, will the Northern manufacturer be injured by the passage of this bill? They are ready to inform us, in reply, as we have heard it a thousand times echoed and re-echoed from every source, in every form, and in every quarter of the Union, that they are waging a great national contest in favor of domestic industry, and against foreign industry; and it is gravely contended that every patriot is bound, upon his al-

legiance, to take sides with the domestic against the foreign belligerent.

Now, sir, as this idea of a contest between domestic and foreign industry is the lurking fallacy which lies at the very foundation of the American system, I solicit the calm and dispassionate attention of the committee to a plain and practical analysis, by which I think it will be clearly demonstrated that, in this as in other questions, men and nations have been carried away by mere names, and have permitted the sober dictates of common sense to be overwhelmed by one of the most arrant impostures and delusions that has ever existed in the civilized world since the darkest days of popery. It is a delusion, sir, as anti-social, and, I will add, as anti-christian, as that which induced an eminent jurist of England to express the opinion that every subject who held certain religious opinions, not conformable to the established faith, should be regarded in the law as an alien enemy.

Let us look, then, into the *modus operandi* by which this great public enemy, foreign industry, is to invade our peaceful shores by pouring in a flood and torrent of foreign manufactures, that will sweep away, with irresistible force, all our domestic establishments, leaving the land desolate, without a vestige or memorial of its present prosperity!

Let us ascertain the true springs of action; let us trace out the operation in its details, and see what are the means by which all this flood of foreign manufactures will get into our happy country. And now, sir, mark by "How plain a tale" this fondly cherished delusion will be made to vanish. I affirm, then, and will hazard the whole contest upon the truth of the proposition, that foreign manufactures never can come into the United States, and be brought into competition with domestic manufac-

tures, until they have ceased to be the productions of foreign industry, and have become the productions of American industry. It is, in the very nature of things, morally, commercially, and politically impossible that they should. According to my poor powers of analysis, there are but three modes in which foreign manufactures can be brought into this country for consumption. The first is, by gratuitous donation; the second, by robbery and plunder; and the third, by purchase. The wit of man can scarcely devise any other mode.

* * *

Here then, we come to the real point of the controversy. When foreign manufactures are purchased and brought into the United States for consumption, they must be so purchased with the productions of the domestic industry of the United States. It is obvious, therefore, that there can be no possible conflict between foreign and domestic industry in our own markets, however it may be in foreign markets; but that the real contest is between one branch of domestic industry and another. In the case we are considering, it is a contest between the domestic producer of the article which is exchanged for the foreign manufacture, and the domestic manufacturer.

If, for example, the cotton planter of the South should send his cotton to Liverpool, exchange it for manufactures, and bring these into the United States, I beg to know whether they would not be, to all intents and purposes, as truly and exclusively the productions of domestic industry, as they would be sacredly and exclusively the property of the planter. If he had a lawful title to his cotton, he must have the very same title to the manufactures he has obtained for it. If the former was exclusively the production of his industry, so, also, must the latter be,

precisely in the same sense and to the same extent. It results, self-evidently, from the reciprocity of commerce, being an exchange of equivalents, that each nation receives as much encouragement to its own industry as it gives to the industry of any other. When a planter exchanges his cotton for foreign manufactures, these manufactures become the productions of American industry by the same act which makes them his property, and the cotton, in like manner, becomes the production of foreign industry. It is as if the planter were gifted with the power of necromancy, and could transmute his cotton into manufactures by the mere touch of his wand. In this case, no doubt, the planter would be denounced for dealing with the devil, precisely for the same reason that he is now denounced and proscribed for dealing with England; and that is, because manufactures could be thereby obtained and sold by the labor of the South cheaper than they could be obtained and sold by the labor of the North.

Mr. Chairman, some ten or twenty years hence it will be a subject of astonishment that it ever had been necessary to labor so plain a proposition as the one I am urging, in the American Congress; and yet the cardinal measure of American policy, deeply affecting the vital interests of the country and the fundamental principles of the Government, is founded on the denial of it. For, admit the proposition, and the whole protecting system is left a baseless fabric and topples into ruins.

If there were no such products in the United States as cotton, tobacco or rice, would not the protecting system be downright nonsense—a mere impotent monument of human folly? How could the people of the United States obtain foreign manufactures when they had nothing wherewith to pay for them? And what could be more absurd and stupid

than to prohibit the importation of articles which could not possibly be imported, even if there were no prohibition?

If these views are not radically erroneous, we have now a distinct view of the real parties to this contest. They are not the foreign manufacturers and the domestic manufacturers (for these can come in conflict only in foreign markets), but they are the planters of the South and the manufacturers of the North.

To all the purposes of this argument, I am as truly a manufacturer of cotton and woolen goods as the gentleman from Massachusetts who sits by my side. It is true, I do not manufacture them by the same process, but it is one equally lawful, decidedly cheaper, and certainly not less honest. I cultivate the earth, and convert its products into manufactures by exchange, while the gentleman from Massachusetts accomplishes the same object by turning spindles and throwing shuttles.

The only material difference between the two operations is, that mine adds more to the wealth of the nation precisely in the degree that I can sell my manufactures cheaper than he can sell his. But he has had the art to persuade the government that this circumstance, which should make me the favored producer, is a reason why I should be heavily taxed with a view to exclude my cheap productions from the market, and give a preference to his at higher prices.

I will now state a plain case, by way of practical illustration, which I never have known to be presented to a popular audience without producing the most perfect conviction that the protecting duties are oppressive and unequal taxes upon the productions of the planters, imposed for the purpose of giving bounties to the manufacturers.

Let us suppose, then, that the gentleman from

Massachusetts, a gentleman from Connecticut, and a gentleman from Rhode Island, had formed a manufacturing co-partnership for the purpose of making and vending cotton and woolen manufactures. Let it be also supposed that the gentleman from Virginia before me [Mr. Archer], the gentleman from Georgia [Mr. Wayne], and myself, had formed a planting co-partnership for the purpose of rearing tobacco, rice and cotton; and that, in order to save the expense of numerous commercial agents, we had determined to ship our agricultural staples to Liverpool, under the charge of a super-cargo, to be exchanged for cotton and woolen manufactures, which were to be brought into the United States, and sold for the benefit of the co-partnership. It shall be assumed that the planting company annually send to Liverpool cotton, tobacco, and rice, to the amount of fifty thousand dollars, and convert them into cotton and woolen manufactures, and that the manufacturing company produce, annually, the same quantity and quality of cotton and woolen manufactures. Both these companies bring their respective goods into the markets of Richmond, Charleston, and Savannah, with a view to make a sale of them. They are, in every sense, competitors in the very same markets, for the sale of the very same sorts of manufactures.

It will not be denied that the planting company have as sacred a title to their manufactures, as the manufacturing company can possible have to theirs. Nor can it be denied that the manufactures of the planting company are as exclusively the productions of domestic industry, as those of their rivals. There is not a single fibre in the whole mass that is not the production of American industry. Here, then, are two American companies, each having productions of their own industry, to the amount of fifty thou-

sand dollars, equally entitled to the protection of the Government, and equally liable to be taxed for its support. Indeed, if either could be considered as entitled to favor, it would be the goods of the planting company. First, because they could be sold cheaper, and would thus add more to the wealth of the nation, and, secondly, because the planting company would be in their own peculiar market.

Yet, how would these two companies be respectively treated, should they come to the Southern custom houses with the respective productions? The manufacturing company would be permitted to pass into the markets of Virginia, South Carolina, and Georgia, with their Northern productions, without any trouble or expense, let or hindrance. But the planting company would be arrested in their progress by the collectors, who would inform them, I doubt not, with ceremonious courtesy, "that they could not be permitted to enjoy the very valuable privilege of bringing their own productions into their own markets—a privilege for which they were entirely indebted to the paternal indulgence of the Federal Government—without paying a duty (I will suppose) of forty per cent."

The whole duty would amount to the enormous sum of twenty thousand dollars. As the goods of the manufacturing company would have just passed in free of all duty, the rival company of planters would very naturally ask the cause of this odious discrimination, and, particularly, why they were required to pay forty per cent. when less than half that duty would supply an ample revenue to the Government. The collectors, would, no doubt, reply, in the true spirit of their vocation, "You are mistaken, gentlemen, if you suppose these high duties are levied upon your productions merely for the sake of revenue. This is quite a secondary consideration.

The great and patriotic ground upon which they are levied, is, that it is deemed quite injurious to the wealth and prosperity of the free states of the North that you should undersell their manufactures, even in your own markets, with the productions of your own industry; and these duties are therefore levied, by a provident and paternal Government, for the very purpose of excluding your productions, which would be ruinously cheap without the duties, in order that your more patriotic rivals may increase the national wealth, and 'provide for the common defence', by selling the same sort of goods at much higher prices."

* * *

The controversy, then, disguise it as you may, resolves into a competition between the Southern planters and the Northern manufacturers, for supplying the market of the United States with certain descriptions of manufactures. And I take it to be the very clearest of all propositions in political economy, that the protecting duties must, in the very nature of things, inflict an injury upon the Southern planters at least equal to the benefit they confer upon the Northern manufacturers. In truth, the injury inflicted in the one case must be greater than the benefits in the other. The very ground upon which the protecting duties are demanded, is, that the cotton planters can import and sell manufactures cheaper than the domestic manufacturers can make and sell them. So far, therefore, as these duties operate as a protection, they take away the employment of a more productive class, and give it to one that is less productive. If, with a protection of forty per cent. the manufacturers can only make their ordinary profit, and if the planters can maintain the competition, even under this enormous discriminating duty, it is evident that with mere reve-

nue duties of twelve and a half per cent. the planters could sell at much lower prices than the manufacturers, and at the same time realize much higher profits.

But the great and radical objection to the protecting system is not that it is unequal in its operation, or even that it is unconstitutional, but that, by throwing the great pecuniary interests of the manufacturing and planting states into direct and irreconcilable hostility, it entirely destroys the security which the representative principle was designed to provide, and converts a majority of Congress into an irresponsible despotism, not only it regards the power of taxation itself, but as it regards all the interests that can be directly or indirectly affected by it. The fundamental principle of English liberty, which our ancestors brought with them when they emigrated to this continent, and which they waged the war of Revolution to vindicate and maintain, is, that taxes are voluntary grants from the people, and that consequently no power can rightfully impose taxes, but the representatives of those who pay them. In a system of taxation which is essentially equal, an income, or property tax, for example, this principle must operate in its full vigor. If our present revenue were raised by a law which made every citizen of the Union contribute in exact proportion to his income, I should feel that the power of taxing the property of my constituents might be safely intrusted to the representatives of any other State, because the very same burden which they impose upon my constituents they would necessarily impose upon their own. The responsibility of the representative body in this case, not only to a majority of the Union but to every part of it, however small, would be as perfect as human wisdom could make it. But under our existing system of revenue, embracing indirect taxa-

tion with indirect bounties, the whole of this is entirely reversed, so that the principle of responsibility itself is perverted into a principle of absolute despotism. The representatives who impose the taxes are not only destitute of all responsibility, direct or indirect, to the minority who pay them, but, what is infinitely worse, they are responsible to the majority who receive the bounties. Taxation and representation are no longer coincident and proportionate; on the contrary, the interest which imposes taxes is brought into direct conflict with that which pays them.

* * *

Mr. Chairman, I feel that I occupy a position of great and awful responsibility, which imposes it on me, as a sacred duty, to speak to that majority in the plain language of truth and candor. If those personal feelings of kindness which I entertain for all, and of attachment for many of the majority, I will tender them the counsels and admonitions of friendship. I now stand up before you, sir, as a witness, and I give testimony in the presence of this assembly, and in the presence of that God to whom we are all responsible, that I conscientiously believe that if this question be not adjusted during this session, South Carolina will not submit to tariff five months from the day of our adjournment. I beseech, gentlemen, therefore, not in a spirit of menace, but of admonition, and "more in sorrow than in anger," to pause for a moment, and to calculate the consequences which may possibly ensue. I will not permit myself to believe that matters will ever reach the extremity of a dissolution of the Union. But as the gentleman from Massachusetts has presented some views to show how essentially the Southern states are involved in the Union, I will briefly pre-

sent some plain statements to show its value to the Northern states.

The dissolution of the Union, come when it may, will be a great and common calamity to us all; but it cannot be denied that its effects would be widely different upon the pecuniary prosperity of the South and of the North. In the event of a separation, the Southern states would have exports to at least the amount of forty millions, and the immense commerce of which these would be the basis, would exclusively pass through our Southern cities. If the existing rate of duties should be retained, those states would, forthwith, have an annual revenue of sixteen millions of dollars, without any increase of their burdens: a sum not only sufficient for all the ordinary purposes of government, but sufficient, in the various modes of expenditure, to convert every decayed village into a flourishing town, and to cause the very waste and "blasted heath" to flourish and "blossom as a rose." An average duty of only ten per cent. would yield a revenue of four millions; as large a revenue, in proportion to population, as the Northern states would derive from their whole commerce under an average duty of forty per cent. What would be the amount of the Northern commerce? Certainly not more than twenty millions. With the same rate of duty the Northern Confederacy, with double the population, would have only half as much revenue as their Southern neighbor. How long, then, would they be without the blessings of internal taxes and excise duties? But, above all, where would be the bounties and the blessings of the protecting system? Gone, sir: utterly and irrecoverably vanished. It would remain as a dead letter upon your statue book, like the well-known preamble of an infatuated ministry in another country, from whose example much profit might be derived if gentleman would

duly consider it. If, therefore, this bill would impoverish and desolate the manufacturing states, what, I pray you, would be the effect of a dissolution of the Union on their prosperity?

* * *

Mr. Chairman, owing to the peculiar circumstance in which she has been placed, and not because she claims to have more intelligence or patriotism than the other Southern states, it has been the lot of South Carolina to be in the van of this great struggle for constitutional liberty. Virginia and North Carolina, in proportion to their population, furnish a comparatively small amount of the exports upon which the protecting system directly operates. Georgia has been engrossed in maintaining her right in another contest with this government: and the people of the new states of the Southwest, cultivating a fresh and fertile soil, recently acquired at the minimum price, can as well afford to make cotton at six or eight cents a pound as those of South Carolina can at ten. They can sustain this oppressive system with comparatively little suffering when the older planting states will be comparatively ruined. But they have too much sagacity not to see that when the tide of ruin shall have swept away the states which stand first in the march of the oppressor, they are destined to be the next victims.

South Carolina, then, is fighting the common battle of all the Southern states. She threw herself into the breach as a forlorn hope, when all the auspices were against her; and, whatever may be the result of the contest, I cannot but regard her destiny as a happy and glorious one. Nothing elevates the character of a people to so high a point as a disinterested struggle for liberty; and I do not believe there is at this moment a spot upon the face of the globe where the spirit of freedom is higher than in

South Carolina. There is no vulgar ambition mingling in this controversy. In adverting to historical analogies, I have been struck with the strong resemblance between the situation of the Southern states in this apparently unequal contest, and that of the Grecian states which united to resist the Persian invasion. Ours, to be sure, is a civil struggle, not to be waged with the vulgar implements of war, but by the sovereign, the legislative, and the judicial powers of the states. South Carolina is fully aware, of the responsibility she has assumed, and of the peril she must encounter; but no great object can be accomplished without great sacrifices. Had it not been for the heroic spirit of Leonidas and his immortal band, who devoted themselves at Thermopylæ for the common cause of Greece, the light of Grecian liberty might have been extinguished forever, and the destiny of mankind entirely changed. And I do confidently believe that if South Carolina fails in the struggle she is now waging, the brief days of American liberty will be numbered.

JOHN C. CALHOUN.

THE OREGON QUESTION.

[Extract from speech delivered in the United States Senate, March 16, 1846.]

But I oppose war, not simply on the patriotic ground of a citizen looking to the freedom and prosperity of his own country, but on still broader grounds, as a friend of improvement, civilization and progress. Viewed in reference to them, at no period has it ever been so desirable to preserve the general peace which now blesses the world. Never in its history has a period occurred so remarkable as that which has elapsed since the termination of the great war in Europe, with the Battle of Waterloo, for the great advances made in all these particulars. Chemical and mechanical discoveries and inventions have multiplied beyond all former example, adding, with their advance, to the comforts of life in a degree far greater and more universal than all that was ever known before. Civilization has, during the same period, spread its influence far and wide, and the general progress in knowledge, and its diffusion through all ranks of society, has outstripped all that has ever gone before it. The two great agents of the physical world have become subject to the will of man, and have been made subservient to his wants and enjoyments; I allude to steam and electricity, under whatever name the latter may be called. The former has overcome distance, both on land and water, to an extent which former generations had not the least conception was

possible. It has, in effect, reduced the Atlantic to half its former width, while, at the same time, it has added threefold to the rapidity of intercourse by land. Within the same period, electricity, the greatest and most diffuse of all known physical agents, has been made the instrument for the transmission of thought—I will not say with the rapidity of lightning, but by lightning itself. Magic wires are stretching themselves in all directions over the earth; and when their mystic meshes shall have been united and perfected, our globe itself will become endowed with sensitiveness, so that whatever touches on any one point will be instantly felt on every other. All these improvements, all this increasing civilization, all the progress now making, would be in a great measure arrested by a war between us and Great Britain. As great as it is, it is but the commencement—the dawn of a new civilization, more refined, more elevated, more intellectual, more moral, than the present and all preceding it. Shall it be we who shall incur the high responsibility of retarding its advance, and by such a war as this would be?

I am, in this connection, opposed to war between the United States and Great Britain. They are the two countries furtherest in advance in this great career of improvement and amelioration of the condition of our race. They are, besides, the two most commercial, and are diffusing, by their widely extended commerce, their blessings over the whole globe. We have been raised up by Providence for these great and noble purposes, and I trust we shall not fail to fulfil our high destiny. I am, besides, especially opposed to war with England at this time, because I hold that it is now to be decided whether we are to exist in future as friends or enemies. War, at this time, and for this cause, would decide supremacy; we shall hereafter stand in the attitude of

enemies. It would give birth to a struggle in which one or the other would have to succumb before it terminated, and which, at the end, might prove ruinous to both. On the contrary, if war can be avoided, powerful causes are now in operation, calculated to cement and secure a lasting—I hope a perpetual—peace between the two countries, by breaking down the barriers which impede their commerce, and thereby uniting them more closely by a vastly enlarged commercial intercourse, equally beneficial to both. If we should now succeed in setting the example of free trade between us, it would force all other civilized countries to follow it in the end. The consequence would be to diffuse a prosperity greater and more universal than can be well conceived, and to unite by bonds of mutual interest the people of all countries. But in advocating the cause of free trade, I am actuated not less by the political consequences likely to flow from it than the advantages to be derived from it in an economical point of view. I regard it in the dispensation of Providence as one of the great means of ushering in the happy period foretold by inspired prophets and poets when war should be no more.

I am finally opposed to war because peace—peace is preëminently our policy. There may be nations, restricted to small territories, hemmed in on all sides, so situated that war may be necessary to their greatness. Such is not our case. Providence has given us an inheritance stretching across the entire continent, from east to west, from ocean to ocean, and from north to south, covering by far the greater and better part of its temperate zone. It comprises a region not only of vast extent, but abundant in all resources; excellent in climate; fertile and exuberant in soil; capable of sustaining, in the plentiful enjoyment of all the necessaries of life, a population of

ten times our present number. Our great mission, as a people, is to occupy this vast domain; to replenish it with an intelligent, virtuous and industrious population; to convert the forests into cultivated fields; to drain the swamps and morasses, and cover them with rich harvests; to build up cities, towns and villages in every direction, and to unite the whole by the most rapid intercourse between all the parts. War would but impede the fulfilment of this high mission, by absorbing the means and diverting the energies which should be devoted to the purpose. On the contrary, secure peace, and time, under the guidance of a sagacious and cautious policy, "a wise and masterly inactivity," will speedily accomplish the whole. I venture to say "a wise and masterly inactivity" in despite of the attempt to cast ridicule upon the expression. Those who have made the attempt would seem to confound such inactivity with mere inaction. Nothing can be more unlike. They are as wide apart as the poles. The one is the offspring of indolence, or ignorance, or indifference. The other is the result of the profoundest sagacity and wisdom—a sagacity which looks into the operations of the great causes in the physical, moral and political world; which, by their incessant operation, are ever changing the condition of nations for good or evil; and wisdom, which knows how to use and direct them when acting favorably, by slight touches, to facilitate their progress, and by removing impediments which might thwart or impede their course—and, not least, to wait patiently for the fruits of their operation. He who does not understand the difference between such inactivity and mere inaction—the doing of nothing—is still in the hornbook of politics, without a glimpse of those higher elements of statesmanship by which a country is elevated to greatness and prosperity. Time

is operating in our favor with a power never before exerted in favor of any other people. It is our great friend, and under the guidance of such a policy it will accomplish all that we can desire. Our population is now increasing at the rate of about 600,000 annually, and is progressing with increased rapidity every year. It will average, if not impeded, nearly a million during the next twenty-five years, at the end of which period our population ought to reach to upwards of forty millions. With this vast increase, it is rolling westwardly with a strong and deep current, and will, by the end of that period, have spread from ocean to ocean. Its course is irresistible. The coast of the Pacific will then be probably as densely populated, and as thickly studded with towns and villages, in proportion to its capacity to sustain population, as that of the Atlantic now is. At the same rate, we shall have increased to upwards of eighty millions of people at the end of another twenty-five years, when, with one foot on the Atlantic and the other on the Pacific, and occupying a position between the eastern and the western coasts of the old continent, we shall be better able to control the commerce of both oceans, and to exert an influence over both continents, than any other country in the world. If we avoid war, and adhere to peace, all this will be effected—effected, I trust, without the loss of our free popular institutions. I am aware how difficult is the task to preserve free institutions over so wide a space and so immense a population; but we are blessed with a constitution admirably calculated to accomplish it. Its elastic power is unequaled, which is to be attributed to its federal character. The hope of success depends on

preserving that feature in its full perfection, and adhering to peace as our policy. War may make us great; but let it never be forgotten that peace only can make us both great and free.

TREASURY NOTES.

[Extract from speech delivered by Mr. Calhoun in the United States Senate, Sept. 19, 1837.]

It is, then, my impression that, in the present condition of the world, a paper currency in some form, if not necessary, is almost indispensable in financial and commercial operation of civilized and extensive communities. In many respects it has a vast superiority over a metallic currency, especially in great and extended transactions, by its greater cheapness, lightness, and the facility of determining the amount. The great desideratum is to ascertain what description of paper has the requisite qualities of being free from fluctuation in value and liability to abuse in the greatest perfection. I have shown, I trust, that the banknotes do not possess these requisites in a degree sufficiently high for this purpose. I go further. It appears to me, after bestowing the best reflection I can give the subject, that no convertible paper, that is, no paper whose credit rests upon a *promise to pay,* is suitable for currency. It is the form of credit proper in private transactions between man and man, but not for a standard of value, to perform exchanges generally, which constitute the appropriate functions of money or currency.

On what, then, ought a paper currency to rest? I would say on demand and supply simply, which regulates the value of everything else—the constant

demand which the government has on the community for its necessary supplies. A medium, resting on this demand, which simply obligates the government to receive it in all of its dues, to the exclusion of everything else except gold and silver, and which shall be optional with those who have demands on the government to receive or not, would, it seems to me, be as stable in its value as those metals themselves, and be as little liable to abuse as the power of coining. It would contain within itself a self-regulating power. It could only be issued to those who had claims on the government, and to those only with their consent, and, of course, only at or above par with gold and silver, which would be its habitual state; for, so far as the government was concerned, it would be equal in every respect to gold and silver, and superior in many, particularly in regulating the distant exchanges of the country. Should, however, a demand for gold and silver from abroad, or other accidental causes, depress it temporarily, as compared with the precious metals, it would then return to the treasury, and as it could not be paid out during such depression, its gradual diminution in the market would soon restore it to an equality, when it would again flow out into the general circulation. Thus there would be a constant alternate flux and reflux into and from the treasury, between it and the precious metals; but if at any time a permanent depression in its value be possible from any cause, the only effect would be to operate as a reduction of taxes on the community, and the only sufferer would be the government itself. Against this, its own interest would be a sufficient guaranty.

Nothing but experience can determine what amount and of what denominations might be safely issued; but it may be safely assumed that the country would absorb an amount greatly exceeding its annual

income. Much of its exchanges, which amount to a vast sum, as well as its banking business, would revolve about it, and many millions would thus be kept in circulation beyond the demands of the government. It may throw some light on this subject to state that North Carolina, just after the Revolution, issued a large amount of paper, which was made receivable in dues to her. It was also made a legal tender, but which, of course, was not obligatory after the adoption of the Federal constitution. A large amount, say between four and five hundred thousand dollars, remained in circulation after that period, and continued to circulate for more than twenty years, at par with gold and silver during the whole time, with no other advantage than being received in the revenue of the state, which was much less than $100,000 per annum. I speak on the information of citizens of that state, on whom I can rely.

When the senator from Massachusetts [Webster] made his attack on my suggestions, I was disappointed. I expected argument, and he gave us denunciation. It is often easy to denounce, when it is hard to refute; and when that senator gives us denunciation instead of argument, I conclude that it is because the one is at his command, and the other not.

We are told the form I suggested is but a repetition of the old continental money—a ghost that is ever conjured up by all who wish to give the banks an exclusive monopoly of government credit. The assertion is not true: there is not the least analogy between them. The one was a promise to pay when there was no revenue, and the other a promise to receive in the dues of government when there is an abundant revenue.

We are also told that there is no instance of a government paper that did not depreciate. In reply, I

affirm that there is none, assuming the form I propose, that ever did depreciate. Whenever a paper receivable in the dues of government had anything like a fair trial, it has succeeded. Instance the case of North Carolina, referred to in my opening remarks. The drafts of the treasury at this moment, with all their encumbrance, are nearly at par with gold and silver; and I might add the instance alluded to by the distinguished senator from Kentucky, in which he admits that, as soon as the excess of the issues of the Commonwealth Bank of Kentucky were reduced to the proper point, its notes rose to par. The case of Russia might also be mentioned. In 1827 she had a fixed paper circulation in the form of banknotes, but which were inconvertible, of upward of $120,000,000, estimated in the metallic ruble, and which had for years remained without fluctuation, having nothing to sustain it but that it was received in the dues of the government, and that, too, with a revenue of only about $90,000,000 annually. I speak on the authority of a respectable traveler. Other instances, no doubt, might be added, but it needs no such support. How can a paper depreciate which the government is bound to receive in all its payments, and while those to whom payments are to be made are under no obligation to receive it? From its nature, it can only circulate when at par with gold and silver; and if it should depreciate, none could be injured but the government.

It may be asked why have I spoken at all? It is not from the expectation of changing a single vote on the opposite side. That is hopeless. * * * They have shut their eyes and closed their ears. The voice of an angel from heaven could not reach their understandings. Why, then, have I raised mine? Because my hope is in truth.

ROBERT TOOMBS.

"FAREWELL TO THE SENATE."

[A speech in the Senate of the United States on Jan. 7, 1861.]

Inasmuch, sir, as I have labored earnestly, honestly, sincerely with these men to avert this necessity, so long as I deemed it possible, and inasmuch as I heartily approve their present conduct of resistance, I deem it my duty to state their case to the senate, to the country, and to the civilized world.

Senators, my countrymen have demanded no new government; they have demanded no new constitution. Look to their records at home and here, from the beginning of this strife until its consummation in the disruption of the Union, and they have not demanded a single thing, except that you shall abide by the constitution of the United States; that constitutional rights shall be respected, and that justice shall be done. Sirs, they have stood by your constitution; they have stood by all its requirements; they have performed all of its duties unselfishly, uncalculatingly, disinterestedly, until a party sprang up in this country which endangered their social system—a party which they arraign, and which they charge before the American people and all mankind with having made proclamation of outlawry against thousands of millions of their property in the territories of the United States; with having aided and abetted insurrection from within and invasion from without, with the view of subverting their institutions and desolating their homes and their firesides.

I shall proceed to vindicate the justice of their demands, the patriotism of their conduct. I will show the injustice which they suffer, and the rightfulness of their resistance.

The discontented states of this Union have demanded nothing but clear, distinct, unequivocal, well-acknowledged constitutional rights—rights affirmed by the highest judicial tribunals of their country; rights older than the constitution; rights which are planted upon the immutable principles of natural justice; rights which have been affirmed by the good and the wise of all countries and of all centuries. We demand no power to injure any man. We demand no right to injure our Confederate states. We demand no right to interfere with their institutions, either by word or deed. We have no right to disturb their peace, their tranquility, their security. We have demanded of them simply, solely—nothing else—to give us equality, security, and tranquility. Give us these, and peace restores itself.

I will now read my own demands, acting under my own convictions. They are considered the demands of an extremist. I believe that is the appellation these traitors employ. I accept their reproach rather than their principles. Accepting their designation of treason and rebellion, there stands before them as good a traitor and as good a rebel as ever descended from Revolutionary loins.

What do these rebels demand?

First.—"That the people of the United States shall have an equal right to emigrate and settle in the present or any future acquired territories, with whatever property they may possess (including slaves); may be securely protected in its peaceable enjoyment until such territory may be admitted as a state into the Union, with or without slavery, as she may determine, on an equality with all existing

states." That is our territorial demand. We have fought for this territory when blood was its price. We have not proposed to exclude you, though you have contributed very little of either blood or money. I refer especially to New England. We demand only to go into those territories upon terms of equality with you, as equals in this great confederacy, to enjoy the common property of the whole Union and receive the protection of the common government until the territory is capable of coming into the Union as a sovereign state, when it may fix its own institutions to suit itself.

The second proposition is, "that property in slaves shall be entitled to the same protection from the government of the United States, in all of its departments, everywhere, which the constitution confers the power upon it to extend to any other property, provided nothing herein contained shall be construed to limit or restrain the right now belonging to every state to prohibit, abolish, or establish and protect slavery within its limits." We demand of the common government to use its granted powers to protect our property as well as yours. Ought it not to do so? You say no. Everyone of you upon the committee said no. Your senators say no. Your house of representatives say no. Throughout the length and breadth of your conspiracy against the constitution, there is but one shout of no! This recognition of this right is the price of allegiance. Withhold it, and you do not get my obedience.

We demand in the next place, "that persons committing crimes against slave property in one state, and fleeing to another, shall be delivered up in the same manner as persons committing crimes against other property, and that the laws of the state from which such persons flee shall be the test of criminality." That is another one of the demands of an ex-

tremist and rebel. The constitution of the United States, Article IV., Section 2, says:

"A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime." But some of the non-slaveholding states, treacherous to their oaths and compacts, have steadily refused, if the criminal only stole a negro, and that negro was a slave, to deliver him up. It was refused twice on the requisition of my own state as long as twenty-two years ago. It was refused by Kent and Fairfield, governors of Maine, and representing, I believe, each of the then Federal parties. We appealed to fraternity, but we submitted, and this constitutional right has been practically a dead letter from that day to this.

The next case came up between us and the state of New York, when the present senior senator [Mr. Seward] was the governor of that state; and he refused it. Why? He said it was not against the laws of New York to steal a negro, and therefore he would not comply with the demand. He made a similar refusal to Virginia. Yet these are our confederates—these are our sister states. There is the bargain; there is the compact. You have sworn to it. Both these governors swore to it. The governor of Ohio swore to it when he was inaugurated. You cannot bind them by oaths. Yet they talk to us of treason. It is natural we should want this provision of the constitution carried out. By the text and letter of the constitution, you agreed to give them up. You have sworn to do it, and you have broken your oaths!

The next stipulation is that fugitive slaves shall be surrendered. Here is the constitution:

"No person held to service or labor in one state,

under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

This language is plain, and everybody understood it the same way for the first forty years of our government. In 1793, in Washington's time, an act was passed to carry out this provision. It was adopted unanimously in the senate of the United States, and nearly so in the house of representatives. Nobody, then, had invented pretexts to show that the constitution did not mean a negro slave. It was clear; it was plain. Not only the Federal courts, but all the local courts in all the states decided that this was a constitutional obligation.

How is it now? I have heretofore shown that this plain constitutional provision has been violated by specific acts in thirteen of these states.

The next demand made on behalf of the South is, "that Congress shall pass efficient laws for the punishment of all persons, in any of the states, who shall in any manner aid and abet invasion or insurrection in any other state, or commit any other act against the laws of nations tending to disturb the tranquility of the people or government of any other state."

That is a very plain principle. The constitution of the United States now requires, and gives Congress express power, to define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations. When the honorable and distinguished senator from Illinois [Mr. Douglas] last year introduced a bill for the purpose of punishing people thus offending under that clause of the constitution, Mr. Lincoln, in his speech at New York, which I have before me, declared that it was a "Sedition Bill"; his press and party hooted at it.

So far from recognizing the bill as intended to carry out the constitution of the United States it received their jeers and gibes. The Republicans of Massachusetts elected the admirer and eulogist of John Brown's courage as their governor, and we may suppose he will throw no impediments in the way of John Brown's successors.

We demand these five propositions. Are they not right? Are they not just? Take them in detail, and show that they are not warranted by the constitution, by the safety of our people, by the principles of eternal justice. We will pause and consider them; but, mark me, we will not let you decide the question for us.

But we are told by well-meaning but simple-minded people that admit your wrongs, your remedies are not justifiable. Senators, I have little care to dispute remedies with you, unless you propose to redress my wrongs. If you propose that in good faith, I will listen with respectful deference; but when the objectors to my remedies propose no adequate ones of their own, I know what they mean by the objection. They mean submission. But, still, I will as yet argue it with them.

These thirteen colonies originally had no bond of union whatever—no more than Jamaica and Australia have to-day. They were wholly separate communities, independent of each other, and dependent on the crown of Great Britain. All the union between them that was ever made is in writing. They made two written compacts. One was known as the Articles of Confederation, which declared that the Union thereby formed should be perpetual—an argument very much relied upon by "the friends of the Union" now. Those Articles of Confederation, in terms, declared that they should be perpetual. I believe that expression is used in our last treaty

with Billy Bowlegs, the chief of the Seminoles. I know it is a phrase used in treaties with all nations, civilized and savage. Those that are not declared eternal are the exceptions; but usually treaties profess to be for "perpetual friendship and amity," according to their terms. So was that treaty between the states. After awhile, though, the politicians said it did not work well. It carried us through the Revolution. The difficulty was that after the war there were troubles about the regulation of commerce, about navigation, but above all, about financial matters. The government had no means of getting at the pockets of the people; and but for that one difficulty, this present government would never have been made. The country is deluded with the nonsense that this bond of union was cemented by the blood of brave men in the Revolution. Sir, it is false. It never cost a drop of blood. A large portion of the best men of the Revolution voted against it. It was carried in the convention of Virginia by but ten majority, and among its opponents were Monroe and Henry, and other men who had fought the war, who recorded their judgment that it was not a good bond; and I am satisfied to-day that they were the wiser men. Some of the bravest and the boldest and the best men of the Revolution who fought from its beginning to its end were opposed to the plan of union. Are we to be deterred by the cry that we are laying our unhallowed hands on this holy altar? Sir, I have no hesitation in saying that a very large portion of the people of Georgia, whom I represent, prefer to remain in this Union with their constitutional rights—I would say, seventy per cent. of them—believing it to be a good government. I think it had but little to do with their prosperity beyond securing their peace with other nations, and that boon has been paid for at a price that no free-

man ought to submit to. These are my opinions; they have been announced to my constituents, and I announce them here. Had I lived in that day, I should have voted with the minority in Virginia, with Monroe, Henry, and the illustrious patriots who composed the seventy-nine votes [in the Virginia convention] against the adoption of the present plan of government. In my opinion, if they had prevailed, to-day the men of the South would have the greatest and most powerful nation of the earth. Let this judgment stand for future ages.

Senators, the constitution is a compact. It contains all our obligations and duties of the Federal government. I am content, and have ever been content, to sustain it. While I doubt its perfection; while I do not believe it was a good compact, and while I never saw the day that I would have voted for it as a proposition *de novo,* I have given to it, and intend to give to it, unfaltering support and allegiance; but I choose to put that allegiance on the true ground, not on the false idea that anybody's blood was shed for it. I say that the constitution is the whole compact. All the obligations, all the chains that fetter the limbs of my people, are nominated in the bond, and they wisely excluded any conclusion against them, by declaring that the powers not delegated by the constitution to the United States, or forbidden by it to the states, belonged to the states respectively or the people. Now, I will try it by that standard; I will subject it to that test. The law of nature, the law of justice would say—and it is so expounded by the publicists—that equal rights in the common property shall be enjoyed. Even in a monarchy the king cannot prevent the subjects from enjoying equality in the disposition of the public property. Even in a despotic government this principle is recognized. It was the blood

and the money of the whole people (says the learned Grotius, and say all the publicists) which acquired the public property, and therefore it is not the property of the sovereign. This right of equality being, then, according to justice and natural equity, a right belonging to all states, when did we give it up? You say Congress has a right to pass rules and regulations concerning the territory and other property of the United States. Very well. Does that exclude those whose blood and money paid for it. Does "dispose of" mean to rob the rightful owners.

But, you say, try the right. I agree. But how? By our judgment? No; not until the last resort. What, then; by yours? No; not until the same time. How, then, try it? The South has always stood by the supreme court. But that is in our favor, and Lincoln says he will not stand that judgment. Then, each must judge for himself of the mode and manner of redress. But you deny us that privilege, and finally reduce us to accepting your judgment. We decline it. You say you will enforce it by executing laws; that means, your judgment of what the law ought to be. The senator from Kentucky comes to your aid and says he can find no constitutional Right of Secession. Perhaps not; but the constitution is not the place to look for state rights. If that right belongs to independent states, and they did not cede it to the Federal government, it is reserved to the states or to the people. Ask your new commentator where he gets your right to judge for us. Is it in the bond?

The supreme court has decided that, by the constitution, we have a right to go to the territories, and be protected there, with our property. You say we cannot decide the compact for ourselves. Well, can the supreme court decide it for us? Mr. Lincoln says he does not care what the supreme court de-

cides, he will turn us out anyhow. He says this in his debate with the honorable senator from Illinois [Mr. Douglas]. I have it before me. He said he would vote against the decision of the supreme court. Then, you do not accept the arbiter. You will not take my construction; you will not take the supreme court as an arbiter; you will not take the practise of the government; you will not take the treaties under Jefferson and Madison; you will not take the opinion of Madison upon the very question of prohibition, in 1820. What, then, will you take? You will take nothing but your own judgment; that is, you will not only judge for yourselves, not only discard the court, discard our construction, discard the practise of the government, but you will drive us out, simply because you will it. Your party says that you will not take the decision of the supreme court. You said so at Chicago; you said so in committee; every man of you in both houses says so. What are you going to do? You say we shall submit to your construction. We shall do it, if you can make us; but not otherwise, or in any other manner. That is settled.

You have no warrant in the constitution for this declaration of outlawry. The court says you have no right to make it. The treaty says you shall not do it. The treaty of 1803 declares that the property of the people shall be protected by the government until they are admitted into the Union as a state. That treaty covers Kansas and Nebraska. The law passed in 1804, or 1805, under Mr. Jefferson, protects property in slaves in that very territory. In 1820, when the question of prohibition came up, Mr. Madison declared it was not warranted by the constitution, and Jefferson denounced its abettors as enemies of the human race. Here is the court; here are our fathers; here is contemporaneous exposition

for fifty years, all asserting our right. The Republican party says, "We care not for your precedents or practises; we have progressive politics as well as a progressive religion."

But, no matter what may be our grievance, the honorable senator from Kentucky [Mr. Crittenden] says we cannot secede. Well, what can we do? Submit? They say they are the strongest, and they will hang us. Very well; I suppose we are to be thankful for that boon. We will take that risk. We will stand by the right; we will take the constitution; we will defend it by the sword with the halter around our necks! Will that satisfy the honorable senator from Kentucky? You cannot intimidate my constituents by talking to them about treason. They are ready to fight for the right with the rope around their necks!

But, altogether, I insist upon this perfect equality in the territories; yet, when it was proposed, as I understand the senator from Kentucky now proposes, that the lines of 36° 30′ shall be extended, acknowledging and protecting our property on the south side of that line, for the sake of peace—permanent peace—I said to the committee of thirteen, and I say here, that, with other satisfactory provisions, I would accept it.

Yet, not only did your committee refuse that, but my distinguished friend from Mississippi [Mr. Davis]—another moderate gentleman like myself—proposed simply to get a recognition that we had the right to our own; that man could have property in man; and it met with the unanimous refusal even of the most moderate, Union-saving, compromising portion of the Republican party. They do not intend to acknowledge it.

Very well; you not only want to break down our constitutional rights; you not only want to upturn our so-

cial system; your people not only want to steal our slaves and make them freemen to vote against us; but you seek to bring an inferior race in a condition of equality, socially and politically, with our own people. Well, sir, the question of slavery moves not the people of Georgia one-half as much as the fact that you insult their rights as a community. You Abolitionists are right when you say that there are thousands and tens of thousands of men in Georgia, and all over the South, who do not own slaves. A very large portion of the people of Georgia own none of them. In the mountains there are comparatively but few of them; but no part of our people are more loyal to their race and country than our bold and brave mountain population; and every flash of the electric wires brings me cheering news from our mountain tops and our valleys that these sons of Georgia are excelled by none of their countrymen in loyalty to the rights, the honor, and the glory of the commonwealth. They say, and well say, this is our question; we want no negro equality, no negro citizenship; we want no mongrel race to degrade our own; and as one man they would meet you upon the border, with the sword in one hand and the torch in the other. We will tell you when we choose to abolish this thing; it must be done under our direction and according to our will; our own, our native land, shall determine this question, and not the Abolitionists of the North. That is the spirit of our freemen.

I have already adverted to the proposition in regard to giving up criminals who are charged with stealing negroes, and I have referred to the cases of Maine, New York, and Ohio. I come now to the last specification—the requirement that laws should be passed punishing all who aid and abet insurrection. These are offenses recognized by the laws of

nations as inimical to all society; and I will read the opinions of an eminent publicist, when I get to that point. I said that you had aided and abetted insurrection. John Brown certainly invaded Virginia. John Brown's sympathizers, I presume, are not Democrats. Two of the accomplices of John Brown fled—one to Ohio, one to Iowa. The governors of both states refused to give up the fugitives from justice. The party maintained them. I am aware that, in both cases, pretexts were gotten up to cover the shame of the transaction. I am going to show you that their pretexts were hollow, unsubstantial, not only against constitutional law, but against the law of nations. I will show you that it was their duty to seize them, under the law of nations, and bring them to their Confederate states, or even to a friendly state. The first authority I will read is Vattel on the law of nations. If there had been any well-founded ground, if the papers had been defective, if the case had been defectively stated, what was the general duty of a friendly state without any constitutional obligations? This general principle is that one state is bound to restrain its citizens from doing anything tending to create disturbance in another state; to ferment disorders; to corrupt its citizens, or to alienate its allies. Vattel says, page 162:

"And since the latter [the sovereign] ought not to suffer his subjects to molest the subjects of another state, or to do them an injury, much less to give open, audacious offenses to foreign powers, he ought to compel the transgressors to make reparation for the damage or injury, if possible, or to inflict on him an exemplary punishment; or, finally, according to the nature and circumstances of the case, to deliver him up to the offended state, to be there brought to justice. This is pretty generally

observed with respect to great crimes, which are equally contrary to the laws and safety of all nations. Assassins, incendiaries, and robbers are seized everywhere at the desire of the sovereign in whose territories the crime was committed, and are delivered up to his justice. The matter is carried still further in states that are more closely connected by friendship and good neighborhood. Even in cases of ordinary transgressions, which are only subjects of civil prosecution, either with a view to the recovery of damages, or the infliction of a slight civil punishment, the subjects of two neighboring states are reciprocally obliged to appear before the magistrate of the place, where they are accused of having failed in their duty. Upon a requisition of that magistrate, called letter rogatory, they are summoned in due form by their own magistrates and obliged to appear. An admirable institution, by means of which many neighboring states live together in peace and seem to form only one republic! This is in force through all Switzerland. As soon as the letters rogatory are issued in form, the superior of the accused is bound to enforce them. It belongs not to him to examine whether the accusation be true or false; he is to presume on the justice of his neighbor, and not to suffer any doubts on his own part to impair an institution so well calculated to preserve harmony and good understanding between the states."

That is the law of nations, as declared by one of its ablest expounders; but, besides, we have this principle embodied in the constitution. We have there the obligation to deliver up fugitives from justice; and though it is in the constitution; though it is sanctioned, as I said, by all ages and all centuries, by the wise and the good everywhere, our Confederate states are seeking false pretexts to evade a

plain, social duty, in which are involved the peace and security of all society. If we had no constitution, this obligation would devolve upon friendly states. If there were no constitution, we ought to demand it. But, instead of giving us this protection, we are met with reproaches, reviling tricks, and treachery, to conceal and protect incendiaries and murderers.

This man, Brown, and his accomplices had sympathizers. Who were they? One of them, as I have before said, who was, according to his public speeches, a defender and laudator of John Brown, is governor of Massachusetts. Other officials of that state applauded Brown's heroism, magnified his courage, and, no doubt, lamented his ill success. Throughout the whole North, public meetings, immense gatherings, triumphal processions, the honors of the hero and the conqueror, were awarded to this incendiary and assassin. They did not condemn the traitor; think you, they abhorred the treason?

Yet, I repeat, when a distinguished senator from a non-slaveholding state [Mr. Douglas] proposed to punish such attempts at invasion and insurrection, Lincoln and his party come before the world and say, "Here is a Sedition Law." To carry out the constitution, to protect states from invasion and suppress insurrection, to comply with the laws of the United States, is a "Sedition Law," and the chief of this party treats it with contempt; yet, under the very same clause of the constitution which warranted this important bill, you derive your power to punish offenses against the laws of nations. Under this warrant you have tried and punished our citizens for meditating the invasion of foreign states; you have stopped illegal expeditions; you have denounced our citizens as pirates, and commended them to the bloody vengeance of a merciless enemy.

Under this principle alone you protect our weaker neighbors of Cuba, Honduras, and Nicaragua. By this alone we are empowered and bound to prevent our people from conspiring together, giving aid, giving money or arms to fit out expeditions against any foreign nation. Foreign nations get the benefit of this protection; but we are worse off in the Union than if we were out of it. Out of it, we should have the protection of the neutrality laws. Now you can come among us; raids may be made; you may put the incendiary's torch to our dwellings, as you did last summer, for hundreds of miles on the frontiers of Texas; you may do what John Brown did, and when the miscreants escape to your states you will not punish them; you will not deliver them up. Therefore, we stand defenseless. We must cut loose from the accursed "body of this death," even to get the benefit of the law of nations.

You will not regard confederate obligations; you will not regard constitutional obligations; you will not regard your oaths. What, then, am I to do? Am I a freeman? Is my state a free state? We are freemen. We have rights; I have stated them. We have wrongs; I have recounted them. I have demonstrated that the party now coming into power has declared us outlaws, and is determined to exclude thousands of millions of our property from the common territories; that it has declared us under the ban of the Union, and out of the protection of the laws of the United States everywhere. They have refused to protect us from invasion and insurrection by the Federal power, and the constitution denies to us in the Union the right either to raise fleets or armies for our defense. All these charges I have proven by the record; and I put them before the civilized world and demand the judgment of to-day, of to-morrow, of distant ages, and of heaven itself, upon

the justice of these causes. I am content, whatever it be, to peril all in so noble, so holy a cause. We have appealed time and time again for these constitutional rights. You have refused them. We appeal again. Restore us these rights as we had them, as your court adjudges them to be, just as our people have said they are; redress these flagrant wrongs, seen of all men, and it will restore fraternity and peace and unity to all of us. Refuse them, and what then? We shall then ask you, "Let us depart in peace." Refuse that, and you present us war. We accept it; and, inscribing upon our banners the glorious words, "Liberty and Equality," we will trust to the blood of the brave and the God of Battles for security and tranquility.

WILLIAM LOWNDES YANCEY.

ON MR. C. J. INGERSOLL'S RESOLUTIONS OF INQUIRY INTO THE CONDUCT OF DANIEL WEBSTER, IN EXPENDING THE CONTINGENT FUND WHILE SECRETARY OF STATE.

[Extract from remarks delivered in the House of Representatives, April 9 and 10, 1846].

But how was it with Mr. Webster? When we were actually engaged in the struggle with England, and things looked dark, and the result seemed doubtful (and, in point of fact, we did fail in attaining the great end of the war, a relinquishment of the right of search and the practise of impressment), he refused to vote clothing and supplies to our suffering troops and to reinforce the army, and sneered at "the banquet to which we had been invited." Sir, his conduct in that crisis of our history was such that even the word "creature" would suffer in connection with his name, unless, indeed, we might qualify it by the adjective "miserable." Nothing, sir, nothing can ever justify a citizen in refusing to lend all his energies to his country in her time of need. But for the influence of Mr. Webster, and of those who acted with him, the war might have been pressed with so much more vigor and success that this question of the freedom of the seas, of the right of search, of impressment, might long since have been put at rest, and the ex-secretary might not have been liable to be accused, as he has been, in the senate of his

country, with having avoided its settlement in the Ashburton or Washington treaty.

The gentleman from Connecticut [Mr. Dixon] also says, in defense of this ever occurring opposition to his country's interest when in conflict with a foreign power, that when Mr. Webster said he would not vote a cent to defend the capitol, even if the enemy were at its gates, he said also that he would not so vote, for it would violate the constitution; and that, if once destroyed, could not be rebuilt, though the capitol could be! That, in fact, Mr. Webster was the great defender of the constitution! Strange, passing strange indeed, that this latitudinarian constructionist—this general-welfare Federalist who believes that the government can do anything with scrupulous regard for the restrictive character of our constitution, save when the honor of the country is at stake, and the necessities of state call for vigorous action!

Strange that when country and constitution are in imminent peril from foreign invasion, he should be so strict and nice in its construction as to ever verge upon toryism, in his martyr-like adhesion to it; and yet, in time of peace, should be so loose in his interpretation of it as to almost force a dissolution of the Union on account of it! Necessity, it is said, overrides all constitutions. In the hour of public danger all constitutions may be most liberally construed, if called for by the exigencies of the moment. But in time of profound peace and prosperity, constitutions may be most strictly interpreted and no harm ensue. But this most patriotic and conscientious senator has honest scruples so great that, at the imminent hazard of his country's peace and honor, *he* would not vote a cent to defend the walls of the capitol, and yet has often recorded his vote

for appropriating millions to the improving of creeks and rivers, and digging canals, and building roads!

"We had a constitution then" to defend, my friend from Connecticut said. Aye, sir, we had; and it was in the balmy days of Jackson's administration when the nation reposed in honor and quiet beneath the shades of the old hickory tree, and when honor and glory attached to the name of an American citizen "abroad," on account of a warrior statesman, who had shed lustre upon his country's arms in the battlefield and forced its rights to be respected in the cabinet of kings, while this mushroom patriot was crippling that country's energies in the halls of legislation, under the plea of "constitutional scruples."

We indeed "had a constitution in those days"; and if, as the gentleman from Connecticut intimates, we have none now—if "it is mutilated, broken down, destroyed, gone," that gentleman may look at the blows it received in the extra session of 1841 for the cause—a session in which contracts were repudiated and ex post facto laws passed—the compromise of 1832 violated—the constitution infracted, indeed, in almost all its leading measures, at the lead and suggestion of his party leader, Mr. Clay.

In respect to that compromise we are told that Mr. Clay, by it, saved the honor of the nullifiers! If this was intended as a hit at me, it was badly aimed. I was no nullifier. I agreed with General Jackson, that the doctrine was not a constitutional remedy (if indeed I can be said to have had fixed opinions upon such grave matters when under age).

But did Henry Clay act so clever a part by the nullifiers? Why, so far from this being the fact, Mr. Clay has expressly defended himself from the charge of having abandoned the interests of the manufacturers, made by this very man, Daniel Web-

ster. In that well-known defense, Mr. Clay acknowledges that the principle of protection was in serious danger. He saw that circumstances were conspiring to overthrow it. He saw at the head of the government that stern old chief, whose popularity was unbounded, and before whose onward step in the cause of progressive democracy (a principle which scorning precedent asks only what ought to be, not what has been) the ancient landmarks of Federalism were shrinking away and disappearing. That giant system of international improvement, which was fast covering the whole Union with its vast network of canals and roads, he had seen paralyzed at a blow!

That monster of a national bank, which had stretched its long arms into every state of the Union and commanded the whole capital of the country—he had seen quail, and then fall, before the same mighty genius. And now the elements of opposition to the protective tariff were fast gathering for the last fatal conflict, in which the keystone of the American system would inevitably be destroyed! The President he knew to be opposed to it. South Carolina was sternly resolved to do but what Missouri, Mississippi, New Hampshire and Georgia have since done in reference to law districting the states, to prevent a law which she deemed unconstitutional from being executed within her borders. Large minorities in most of the Southern states were zealously advocating her cause. The moderate and wise men of all the states were deprecating the system of legislation which would drive so large a portion of the people of the Union to the verge of disunion. In this state of things, Mr. Clay saw Verplanck's bill, reducing duties to an average of fifteen per cent, introduced into the house and about to receive its sanction; and wholly in the very teeth of the constitutional provision, which requires all rev-

enue bills to be originated in this house, introduced the compromise bill into the senate and pushed it through, and saved, for a few years, the principle of protection! He has told the world that his motive was to save that principle. He said that it was in danger; that the youthful Hercules was about to be strangled in its cradle—that he snatched it from danger, saved its life, and placed it upon a platform upon which, during nine years, it could not recruit its strength! Mr. Clay saved the honor of the nullifiers! Sir, he considered himself fortunate in escaping, with the bare breath of life in his American system, from the clutch of the nullifiers!

General Hayne had the session previous to the adoption of the compromise, proposed the same principles upon which that compromise was framed —the gradual abandonment of the protective principle! And Mr. Clay and his friends knew this, and consulted with the great leading advocates of nullification, and endeavored to get them to accede to a truce for seven years, when the protective principle should be abandoned. This was peremptorily refused, and Mr. Clay *forced* to take the principle of General Hayne, a *gradual* abandonment of the principle during a course of nine years! When he offered the bill embodying this, he did indeed hold out to the States Rights men, that the principle was to be conceded at the end of nine years. But he has since, in defense of himself, said that he designed far otherwise!

The compromise was adopted. The cry of the protectionists that they never designed protection to be perpetual, but only to last a few years, to give them strength, was at last reduced to limits, and nine years agreed upon as that which should be yielded, and *only that.* The question was deemed settled. The faith of both and all parties was pledged to it.

The contest of 1840 came on; General Harrison and Mr. Van Buren were both pledged to abide by it. The former was elected; and the consequence was a criminal violation of the compromise, and the enactment of the tariff of 1842, under the lead, and, I may say, at the command, of Henry Clay! Truth, justice and honor were held but of little weight in that moment of unbridled party triumph! The twelve years of exclusion from the control of government had made the Whigs greedy for the accomplishment of their purposes. An extra session was called, and indecent haste was made to repeal the sub-treasury and violate this sacred compromise!

But there was a retribution at hand, sir. It came quickly, suddenly, too. The spoiler had hardly begun his career, before the God of Truth, of Honor, and of Justice frowned upon him. An indignant people hurled from their seats here the large party majority which the Whigs possessed, and returned a large majority to the very next Congress of good and true Democrats, and have repeated that majority since and elected a Democratic president! And while on this subject, permit me to say that we are equally pledged to the repeal of that odious act which the Whigs built upon the ruins of the compromise act, and if we do not do so, if we falter in our course and fail to fulfil the promises made to the people in every election since 1832, to enact a revenue tariff act, we shall deserve the frown of that same Deity who has smiled so benignantly upon our efforts heretofore.

A word, sir, as to this nullifying party, which some gentlemen love to harp upon so much. I will say of them, though opposed to them, that a band of more gallant spirits never were united in favor of any principle. They rallied in defense of the constitution. Their's was, indeed, a noble object. Trampled upon and oppressed by high taxes; im-

posed, not for their country's good, but for the manufacturer's benefit; their contest was for justice. They asked for no power; they asked that unconstitutional power should not be exercised. They contended not for spoil; they begged—begged, did I say, sir? No! they demanded that they should no longer be despoiled. They banded for no office or love of office and patronage. No! they rallied against the most unbounded popularity which ever attended upon any individual, and contended with the hatred of Federalists and the stern sense of duty of the iron-willed Jackson! They not only exhibited all the high qualities of the most undaunted courage, the most inflexible patriotism, the most stern reliance upon their principles, but the loftiest magnanimity. Well do I remember the height to which party animosity had been raised in the gallant little state of South Carolina, on the domestic issue of the test oath. In its very midst, though having two-thirds of the state, both of people and members of the legislature the oath was so construed, by legislative resolution, as to do away with the objections to it. The hatchet was buried. The names of Nullifier and Union men were abandoned; and under the general appellation of Republicans, the people of that noble little state are unanimously battling for sound constitutional principles! So complete was this reunion, that this triumphant majority have since given to the state two Union governors, one of whom now fills that high office, and has sent to the other end of this capitol the leader of the Union party; the noble—the chivalric—the high-souled Huger; the gentleman of perfect truth of character; the chevalier *"sans peur et sans reproche"*; the Bayard of the age.

Mr. Speaker, the honor of the Nullifiers has been in far better keeping than it could by possibility have

been in that of Henry Clay; for, had he kept it, sir, no better than he did his own, as connected with the compromise act, that honor, instead of shining as brightly as it now does, would have been a bye-word in the mouth of man.

The gentleman from Connecticut errs, then, in supposing that there is any "rankling" in my breast against Mr. Webster, because, forsooth, Mr. Webster may have interfered between the Nullifiers and their object. Their object was accomplished in the enactment of the compromise. If it has since been defeated, it has been by faith badly kept—by promises miserably violated. And that gentleman may go to such fields to reap laurels for Daniel Webster, if he chooses to do so.

I have thus, Mr. Speaker, performed a duty which I owe, as I conceive, to my country, to my friends, and to myself. Of Mr. Webster I know nothing, save what the history of the country discloses. That history has given me a loathing of his public character which I can not and will not undertake to conceal. It richly entitles him to be considered, if not the "wisest," certainly "the meanest, basest of mankind." And yet, sir, his infatuated admirers have styled, "profanely styled him," as well said by the representative from Pennsylvania [Mr. Ingersoll], "the God-like Daniel." Sir, he also bears another appellation amongst his familiars, which I must think a more appropriate one. *"Black Dan!"* And if the anecdote of my friend from Connecticut has any application, it shows that this person has two characters, which, Proteus-like, he can assume as necessity dictates—the "God-like" and the "Hell-like." At all events, no matter what character he bears *"abroad,"* that character, here in his own land, is not an enviable one.

The great Washington, to whom he has been so unnecessarily and sacreligiously compared, was esteemed "*the first in the hearts of his countrymen.*" Eulogy went not abroad for materials to praise him.

As to the man's intellect, all acknowledge its power; but, for one, I do not award respect to grant men for mere intellect. And when a great intellectual name is not associated with public integrity, I will leave his praise to the hangers-on of courts, and to the sycophants of the palace. It is unworthy of commendation from the lips of a virtuous American.

THE SOUTH DOES NOT SEEK TO AGGRANDIZE HERSELF.

[Extracts from speech delivered by Mr. Yancey in Washington City in the fall of 1860, being one of a series delivered in behalf of the campaign of Breckinridge and Lane.]

FELLOW CITIZENS:

I am no party man, and I do not address you as a party man to-night. It has been said, the South asks you to trespass upon the constitutional rights of the other states; it is said, the South seeks to aggrandize herself at the expense of other sections; that we want this government to carry slavery and force it upon people who do not desire it. With all proper respect for those who say this, I, as a Southern man, say it is false in every iota of utterance.

The South has aggressed upon no section. She asks none to yield anything that is theirs for her safety or her protection. All that we of the Southern states have ever asked of the government is to keep its hands off of us and let the constitution work its own way. * * *

It is easy for the North, with its majority in the millions, to say they are for this Union anyhow. No matter who may be elected, no matter what may be done they will stand to the Union as the great source of their prosperity. Why? Because with no constitution at all the people of the North can protect themselves by their predominant vote. How is it with the minority? The minority states? How with the South? Leave us to the preponderant vote in Congress, the North will seek the advancement of its power, will seek selfish aggrandizement, will raise as much money as it pleases and disburse it, to its own benefit, at the expense of our minority. Minorities, gentlemen, are the true friends of our constitution, because that constitution is their shield and their protection against the unchecked and unlicensed power of the majority. * * * The humble individual who addresses you to-night has probably been more denounced as a disunionist than almost any other man in the Union! I tell you, gentlemen, my disunionism consists in this: I stand by the constitution. * * * My friends, there is but one issue before you—to all sensible men but one issue with two dies to it. The slavery question is but one symbol of that issue, the commercial question is but one symbol of that issue, the Union question is but one symbol of that issue. The only issue of the campaign is the integrity and safety of the constitution!

He is a good Union man who stands by the constitution, with its checks and balances: he is a disunionist who destroys one single letter of that sacred instrument. * * *

Now, then, fellow citizens, I beg you to excuse me from saying anything further and for the desultory character of the remarks I have at this time submitted. I close them by telling you, the South loves

the Union, respects the Union, has all respect for the constitution and will protect and preserve that instrument intact, with all its checks and balances; and the South is now firmly resolved that every other section shall so preserve it. The South means to defend that constitution against all attacks from wide-awakes, the sleepy abolitionist or anybody else.

THE ALABAMA PLATFORM.

[Extract from Yancey's speech in the Charleston Convention.]

GENTLEMEN OF THE CONVENTION:

That venerable, that able, that revered jurist, the Honorable Chief Justice of the United States, trembling upon the very verge of the grave, for years kept merely alive by the pure spirit of patriotic duty that burns within his breast—a spirit that will not permit him to succumb to the gnawings of disease and the weaknesses of mortality—which hold him, as it were, suspended between two worlds, with his spotless ermine around him, standing at the altar of Justice, has given to us the utterance of the Supreme Court of the United States upon this very question.

Let the murmur of the hustings be stilled—let the voices of individual citizens, no matter how great and respected in their appropriate spheres, be hushed, while the law, as expounded by the constituted authority of the country, emotionless, passionless and just, rolls with its silvery cadence over the entire realm, from the Atlantic to the Pacific, and from the ice-bound regions of the North to the glittering waters of the Gulf.

What says that decision? That decision tells you, gentlemen, that the territorial legislature has no

power to interfere with the rights of the slave-owner in the territory while in a territorial condition. That decision tells that this government is a union of sovereign states; which states are co-equal, and in trust for which co-equal states the government holds the territories. It tells you that the people of those co-equal states have a right to go into these territories, thus held in trust, with every species of property which is recognized as property by the state in which they live, or by the constitution of the United States. The venerable magistrate—the court concurring with him—decided that it is the duty of this government to afford some government for the territories which shall be in accordance with this trust, with this delegated trust power held for the states and for the people of the states. That decision goes still further: It tells you that if Congress has seen fit, for its own convenience and somewhat in accordance with the sympathies and instincts and genius of our institutions, to accord a form of government to the people of the territories, it is to be administered precisely as Congress can administer it, and to be administered as a trust for the co-equal states of the Union, and the citizens of those states who choose to emigrate to those territories. That decision goes on to tell you this: That as Congress itself is bound to protect the property which is recognized as such of the citizens of any of the states —as Congress itself not only has no power, but is expressly forbidden to exercise the power to deprive any owner of his property in the territories; therefore, says that venerable, that passionless representative of justice, who yet hovers on the confines of the grave, therefore, no government formed by that Congress can have any more power than the Congress that created it.

[Mr. Yancey then went on to explain that Mr.

Douglas and his followers insisted upon a construction which virtually nullified the Dred Scott decision. He said]:

They put themselves directly in conflict with the venerable chief justice of the Supreme Court of the United States, and with the recorded decision of the court itself. * * * Now, then, who shall the Democracy recognize as authority on this point—a statesman, no matter how brilliant and able and powerful in intellect, in the very meridian of life, animated by an ardent and consuming ambition, struggling as no other man has ever done for the high and brilliant position of candidate for the presidency of the United States, at the hand of his great party—or that old and venerable jurist who, having filled his years with honor, leaves you his last great decision before stepping from the high place of earthly power into the grave to appear before his Maker, in whose presence deception is impossible and earthly position as dust in the balance?

ROBERT Y. HAYNE.

"THE SOUTH CAROLINA DOCTRINE."

[Extract from the speech which provoked Webster's "Reply to Hayne."]

SIR, South Carolina has not gone one step further than Mr. Jefferson himself was disposed to go in relation to the present subject of our present complaints; not a step further than the statesmen from New England were disposed to go under similar circumstances; no further than the senator from Massachusetts himself once considered as within "the limits of a constitutional opposition." The doctrine that it is the right of a state to judge of the violations of the constitution on the part of the Federal government and to protect her citizens from the operations of unconstitutional laws was held by the enlightened citizens of Boston who assembled in Faneuil Hall on the 25th of January, 1809. They state in that celebrated memorial that "they looked only to the state legislature, who were competent to devise relief against the unconstitutional acts of the general government. That your power (say they) is adequate to that object is evident from the organization of the Confederacy."

A distinguished senator from one of the New England states [Mr. Hillhouse], in a speech delivered here on a bill for enforcing the embargo, declared:

"I feel myself bound in conscience to declare (lest the blood of those who shall fall in the execution of this measure shall be on my head) that I consider this to be an act which directs a mortal blow at the liberties of my country; an act containing unconstitutional provisions to which the people are not bound to submit, and to which in my opinion they will not submit."

ROBERT Y. HAYNE.

And the senator from Massachusetts himself, in a speech delivered on the same subject in the other House, said:

"This opposition is constitutional and legal; it is also conscientious. It rests on settled and sober conviction that such policy is destructive to the interests of the people and dangerous to the being of government. The experience of every day confirms these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles nor awed by any dangers. They know the limit of constitutional opposition; up to that limit, at their own discretion, they will walk, and walk fearlessly."

How "the being of the government" was to be endangered by "constitutional opposition" to the embargo I leave to the gentleman to explain.

Thus it will be seen, Mr. President, that the South Carolina doctrine is the republican doctrine of '98; that it was promulgated by the fathers of the faith; that it was maintained by Virginia and Kentucky in the worst of times; that it constituted the very pivot on which the political revolution of that day turned; that it embraces the very principles, the triumph of which at that time saved the constitution at its last gasp, and which New England statesmen were not unwilling to adopt when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the Federal government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the states.

It makes but little difference in my estimation whether Congress or the Supreme Court are invested with this power. If the Federal government in all or any of its departments is to prescribe the limits of its own authority, and the states are bound to submit to the decision and are not allowed to examine and decide for themselves when the barriers

of the constitution shall be overleaped, this is practically "a government without limitation of powers."

The states are at once reduced to mere petty corporations and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union by the only means by which she believes it can long be preserved—a firm, manly, and steady resistance against usurpation.

The measures of the Federal government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest, a principle which, substituting the discretion of Congress for the limitations of the constitution, brings the states and the people to the feet of the Federal government and leaves them nothing they can call their own.

Sir, if the measures of the Federal government were less oppressive we should still strive against this usurpation. The South is acting on a principle she has always held sacred—resistance to unauthorized taxation.

* * * * *

Sir, if in acting on these high motives, if animated by that ardent love of liberty which has always been the most prominent trait in the Southern character, we should be hurried beyond the bounds of a cold and calculating prudence, who is there with one noble and generous sentiment in his bosom that would not be disposed, in the language of Burke, to exclaim, "You must pardon something to the spirit of liberty!"

ANDREW JOHNSON.

THE PROPOSED EXPULSION OF MR. BRIGHT FROM THE SENATE OF THE UNITED STATES.

[Extract from a speech delivered in the United States Senate, Jan. 31, 1862.]

When we had it in our power to vote down the amendments of the senator from New Hampshire, and adopt the Crittenden resolutions, certain Southern senators prevented it; and yet, even at a late day of the session, after they had seceded, the Crittenden proposition was only lost by one vote. If rebellion and bloodshed and murder have followed, to whose skirts does the responsibility attach? I summed up all these facts myself in a speech during the last session; but I have preferred to read from the speech of the senator from California, he being better authority, and having presented the facts better than I could.

What else was done at the very same session? The house of representatives passed and sent to this body a proposition to amend the constitution of the United States, so as to prohibit Congress from ever hereafter interfering with the institution of slavery in the United States, making that restriction a part of the organic law of the land. That constitutional amendment came here after the senators from seven states had seceded; and yet it was passed by a two-thirds vote in the senate. Have you ever heard of any one of the states which had then se-

ceded, or which has since seceded, taking up that amendment to the constitution, and saying they would ratify it and make it a part of that instrument? No. Does not the whole history of this rebellion tell you that it was revolution that the leaders wanted, that they started for, that they intended to have? The facts to which I have referred show how the Crittenden proposition might have been carried; and when the senators from the slave states were reduced to one-fourth of the members of this body, the two houses passed a proposition to amend the constitution so as to guarantee to the states perfect security in regard to the institution of slavery in all future time, and prohibiting Congress from legislating on the subject.

But what more was done? After Southern senators had treacherously abandoned the constitution and deserted their posts here, Congress passed bills for the organization of three new territories, Dakota, Nevada, and Colorado; and in the sixth section of each of those bills, after conferring affirmatively power on the territorial legislature, it went on to exclude certain powers by using a negative form of expression; and it provided, among other things, that the legislature should have no power to legislate so as to impair the right to private property; that it should lay no tax discriminating against one description of property in favor of another; leaving the power on all these questions not in the territorial legislature, but in the people, when they should come to form a state constitution.

Now, I ask, taking the amendment to the constitution, and taking the three territorial bills, embracing every square inch of territory in the possession of the United States, how much of the slavery question was left? What better compromise could have been made? Still we are told that matters might

have been compromised, and that if we had agreed to compromise, bloody rebellion would not now be abroad in the land. Sir, Southern senators are responsible for it. They stood here with power to accomplish the result, and yet treacherously, and, I may say, tauntingly, they left this chamber, and announced that they had dissolved their connection with the government. Then, when we were left in the hands of those whom we had been taught to believe would encroach upon our rights, they gave us, in the constitutional amendment and in the three territorial bills, all that had ever been asked; and yet gentlemen talk about compromise. Why was not this taken and accepted?

No, it was not compromise that the leaders wanted; they wanted power; they wanted to destroy this government, so that they might have place and emolument for themselves. They had lost confidence in the intelligence and virtue and integrity of the people, and their capacity to govern themselves; and they intended to separate and form a government, the chief corner-stone of which should be slavery, disfranchising the great mass of the people, of which we have seen constant evidence, and merging the powers of government in the hands of the few. I know what I say. I know their feelings and their sentiments. I served in the senate here with them. I know they were a close corporation that had no more confidence in or respect for the people than has the Dey of Algiers. I fought that close corporation here. I know that they were no friends of the people. I knew that Slidell and Mason and Benjamin and Iverson and Toombs were the enemies of free government, and I know so now. I commenced the war upon them before a state seceded; and I intend to keep on fighting this great battle before the country for the perpetuity of free govern-

ment. They seek to overthrow it and to establish a despotism in its place. This is the great battle which is upon our hands. The great interests of civil liberty and free government call upon every patriot and every lover of popular rights to come forward and discharge his duty.

We see this great struggle; we see that the exercises of the vital principle of government itself is denied by those who desire our institutions to be overthrown and despotism established on their ruins. If we have not the physical and moral courage to exclude from our midst men whom we believe to be unsafe depositaries of public power and public trust—men whose associates were rolling off honeyed accents against coercion, and are now in the traitor's camp—if we have not the courage to force these men from our midst, because we have known them and have been personal friends with them for years, we are not entitled to sit here as senators ourselves. Can you expect your brave men, your officers and soldiers who are now in "the tented field," subject to all the hardships and privations pertaining to a civil war like this, to have courage and to march on with patriotism to crush treason on every battle-field, when you have not the courage to expel it from your midst? Set those brave men an example; say to them by your acts and voice that you evidence your intention to put down traitors in the field by ejecting them from your midst, without regard to former associations.

I do not say these things in unkindness. I say them in obedience to duty, a high constitutional duty that I owe to my country; yes, sir, that I owe to my wife and children. By your failure to exercise the powers of this government, by your failure to enforce the laws of the Union, I am separated from those most dear to me. Pardon me, sir, for this per-

sonal allusion. My wife and children have been turned into the street, and my house has been turned into a barrack; and for what? Because I stand by the constitution and the institutions of the country that I have been taught to love, respect, and venerate. This is my offense. Where are my sons-in-law? One to-day is lying in prison; another is forced to fly to the mountains to evade the pursuit of the hell-born and hell-bound conspiracy of disunion and secession; and when their cries come up here to you for protection, we are told, "No; I am against the entire coercive policy of the government."

The speech of the senator from California the other day had the effect in some degree, and seemed to be intended to give the question a party tinge. If I know myself—although, as I avowed before, I am a Democrat, and expect to live and die one—I know no party in this great struggle for the existence of my country. The argument presented by the senator from California was that we need not be in such hot pursuit of Mr. Bright, or those senators who entertain his sentiments, who are still here, because we had been a little dilatory in expelling other traitorous senators heretofore; and he referred us to the resolution of the senator from Maine, which was introduced at the special session of March last, declaring that certain senators having withdrawn, and their seats having thereby become vacant, the secretary should omit their names from the roll of the senate. I know there seemed to be a kind of timidity, a kind of fear, to make use of the word "expel" at that time; but the fact that we declared the seats vacant, and stopped there, did not preclude us from afterwards passing a vote of censure. The resolution, which was adopted in March, merely stated the fact that senators had withdrawn and left their seats vacant. At the next session a resolution

was introduced to expel the other senators from the seceded states who did not attend in the senate; and my friend moved to strike out of that very resolution the word "expelled" and insert "vacated"; so that I do not think he ought to be much offended at it. I simply allude to it to show how easy it is for us to forget the surrounding circumstances that influenced our action at the time it took place. We know that a year ago there was a deep and abiding hope that the rebellion would not progress as it has done; that it would cease, and that there might be circumstances which, at one time, would to some extent justify us in allowing a wide margin which, at another period of time, would be wholly unjustifiable.

All this, however, amounts to nothing. We have a case now before us that requires our action, and we should act upon it conscientiously in view of the facts which are presented. Because we neglected to expel traitors before, and omitted to have them arrested, and permitted them to go away freely, and afterwards declared their seats vacant because they had gone, we are not now prevented from expelling a senator who is not worthy to be in the senate. I do not say that other traitors may not be punished yet. I trust in God the time will come, and that before long, when these traitors can be overtaken, we may mete out to them condign punishment, such as their offense deserves. I know who was for arresting them. I know who declared their conduct to be treason. Here in their midst I told them it was treason, and they might make the best of it they could.

Sir, to sum up the argument, I think there is but little in the point presented by the senator from New Jersey, of there being no proof of the reception of the letter; and I think I have extracted the staple

commodity entirely out of the speech of the senator from Delaware; and so far as the force of the argument, based upon the senate having at one session expelled certain members, while at the previous session it only vacated their seats, is concerned, I think the senator from California answers that for himself. As to the polished and ingenious statement of the case made by the senator from New York, I think I have answered that by putting the case upon a different basis from the one presented by him, which seems to control his action.

Mr. President, I have alluded to the talk about compromise. If I know myself, there is no one who desires the preservation of this government more than I do; and I think I have given as much evidence as mortal man could give of my devotion to the Union. My property has been sacrificed; my wife and children have been turned out of doors; my sons have been imprisoned; my son-in-law has had to run to the mountains; I have sacrificed a large amount of bonds in trying to give some evidence of my devotion to the government under which I was raised. I have attempted to show you that, on the part of the leaders of this rebellion, there was no desire to compromise: compromise was not what they wanted; and now the great issue before the country is the perpetuation or the destruction of free government. I have shown how the resolution of the venerable senator from Kentucky was defeated, and that Southern men are responsible for that defeat—six sitting in their places and refusing to vote. His proposition was only lost by two votes; and in the end, when the seceders had gone, by only one. Well do I remember, as was described by the senator from California, the sadness, the gloom, the anguish that played over his venerable face when the result was announced; and I went across the chamber and told

him that here were men refusing to vote, and that to me was administered a rebuke by one of them for speaking to him on the subject.

Now, the senator from Delaware tells us that if that compromise had been made, all these consequences would have been avoided. It is a mere pretense; it is false. Their object was to overturn the government. If they could not get the control of this government, they were willing to divide the country and govern a part of it. Talk not of compromise now. What, sir, compromise with traitors with arms in their hands! Talk about "our Southern brethren," when they present their swords at your throat and their bayonets at your bosoms! Is this a time to talk about compromise? Let me say, and I regret that I have to say it, that there is but one way to compromise this matter, and that is to crush the leaders of this rebellion and put down treason. You have got to subdue them; you have got to conquer them; and nothing but the sacrifice of life and blood will do it. The issue is made. The leaders of rebellion have decreed eternal separation between you and them. Those leaders must be conquered, and a new set of men brought forward who are to vitalize and develop the Union feeling in the South. You must show your courage here as senators, and impart it to those who are in the field. If you were now to compromise, they would believe that they could whip you one to five, and you could not live in peace six months, or even three months. Settle the question now; settle it well; settle it finally; crush out the rebellion and punish the traitors. I want to see peace, and I believe that is the shortest way to get it. Blood must be shed, life must be sacrificed, and you may as well begin first as last. I only regret that the government has been so tardy in its operations. I wish the issue had

been met sooner. I believe that if we had seen as much in the beginning as we see to-day, this rebellion would have been wound up and peace restored to the land by this time.

But let us go on; let us encourage the army and the navy; let us vote the men and the means necessary to vitalize and to bring into requisition the enforcing and coercive power of the government; let us crush out the rebellion and anxiously look forward to the day—God grant it may come soon—when that baleful comet of fire and of blood that now hovers over this distracted people may be chased away by the benignant star of peace. Let us look forward to the time when we can take the flag, the glorious flag of our country, and nail it below the cross, and there let it wave as it waved in the olden time; and let us gather around it and inscribe as our motto, "Liberty and Union, now and forever, one and inseparable." Let us gather around it, and while it hangs floating beneath the cross, let us exclaim, "Christ first, our country next." Oh, how gladly rejoiced I should be to see the dove returning to the ark with the olive-leaf, indicating that land was found, and that the mighty waters had abated. I trust the time will soon come when we can do as they did in the olden times, when the stars sang together in the morning, and all creation proclaimed the glory of God. Then, let us do our duty in the senate and in the councils of the nation, and thereby stimulate our brave officers and soldiers to do theirs in the field.

BENJAMIN H. HILL.

THE STARS AND STRIPES.

[Speech of Mr. Hill in Atlanta, Ga., on the reception of a flag presented to the city by visitors from the State of Ohio. This is considered one of the most finished productions of the orator, and is one of the few that he ever wrote out in full before delivery. It contains the most luminous discussion of the theory of our Constitution, a patriotic vindication of the purpose of the South, and a passionate appeal for the death of sectionalism and the complete restoration of the Union. It contains much splendid declamation, and is commended to the student and elocutionist.]

MR. MAYOR, GENTLEMEN OF THE CITY COUNCIL, AND FELLOW-CITIZENS:

Immediately after the close of the late war, a gentleman of Northern birth, raising, and education, one who had been a brave and faithful soldier with the Northern army throughout the war, came to make his home in the South. He did not come to boast over the humiliation of our defeat. He did not come to rob us in our helpless condition. He did not come to breed strife between the races for the purpose of office and power. He came as a citizen, as a gentleman, as a patriot, to identify himself with us and with ours. To him we opened our doors. He was welcomed to our firesides. What were his previous political opinions we did not stop to enquire. What they were we do not even now know. We should have been glad to welcome millions of the same kind on the same mission. This gentleman, after a residence of years, discovered that the great trouble between the North and South arose chiefly from the fact that the *people* did not understand each other.

Benjamin H. Hill

He discovered that the impression so industriously made by designing politicians in the North as to the temper, character, and purposes of our people were not true. And he engaged in the patriotic work of doing what he could to correct the wrong impression existing among his Northern countrymen concerning us. Among other things, during the last spring, he instigated a movement in which the mayor, the council, and board of trade of the city of Atlanta, and the governor of the state, co-operated, for the purpose of bringing a large number of Northwestern gentlemen to the southern portion of the country, that they might see and judge for themselves. These gentlemen came. They returned, and so agreeable were the impressions made upon them, that a portion of them, representing the cities of Cincinnati and Cleveland, in the great state of Ohio, have sent this flag to be presented to the city of Atlanta as a testimonial of their high appreciation of the hospitality and patriotism of our people. Thus you have the history which brings to your view the present occasion. I have been selected to receive this flag in the name of the people of Atlanta and of the state of Georgia, and in my heart I find it pleasing to do so.

In olden times the flag of a nation was intended as an emblem of the nation's power, and was used only in war. In more modern times, it has been made to represent the principles and character of the government as well as its power, and is a symbol in peace as well as in war. This flag, with its beautiful design, upon which you look this afternoon, was originally designed and adopted by the Congress of 1777, one year after the declaration of independence. It was then ordered that the flag of the nation should consist of thirteen stripes, alternate white and red, and thirteen stars in a blue field. In 1794 two addi-

tional states had been admitted into the Union, and an act was passed changing the flag to fifteen stripes and fifteen stars. By the year 1818, five more states had been added, making twenty in all. Then an act was passed, which fixed the flag as you now see it; that is, that there should be thirteen stripes, alternate white and red, and one star for each state then in the Union, with one star to be added as each state should afterward be admitted into the Union. The thirteen stripes represent, first, the original thirteen states. They constitute what is properly the flag. It is a symbol to the outside world. The white stripes are symbolical of good will and friendship for our friends. The red stripe is a symbol of defiance to our enemies. The union in the corner is formed of a blue ground and one star for each state, and, in the original resolution adopted by Congress in 1777, it is called "a new constellation." Who first suggested stars as appropriate representatives of states is not definitely known. Perhaps the best authority is that the idea of combining the stars and stripes in our national emblem was borrowed from the coat of arms of the Washington family. Be this as it may, the thought that the stars upon that flag should represent the states is a beautiful one. The word "star" is derived from the Greek and means a heavenly body, and wherever that flag floats, whether on sea or on land, whether in peace or in war, it speaks a voice which every statesman should heed and every patriot should love, that as there can be no constellation in the heavens without the stars, so there can be no Union in America without the states.

Fellow-citizens, we are all sadly conscious of the fact that the states and people for whom our fathers adopted that flag have had serious and fatal differences. There cannot live in the North or the South

a single patriot who does not desire cordial reunion, and earnest fraternal association of all portions of the country. How shall that great desirable object be completely accomplished? It cannot be brought about by unmanly concessions on the one side nor by unmanly exactions on the other.

The spirit of truckling on the part of the Southern people, and the spirit of exactions on the part of the Northern people are alike inimical to cordial and permanent reunion. The people, North and South, must realize the great fact that we are all a manly people, and will not consent to be humiliated as criminals. It is our duty, then, to meet every issue that arises in a spirit of frankness, in a spirit of manliness and self-respect, and with a single purpose to arrive at the truth. While I am addressing this large audience to-day, we are conscious of the fact that there are a hundred representative leaders of a great party in the North, who are teaching the people of that section that we of the South are enemies of that flag—enemies of the government of which it is the emblem, and, therefore, not fit to be trusted in the administration of that government. How ought that proposition to be met? In the spirit of recrimination? By no means. In a spirit of truckling sycophancy? Never! Meet it truthfully. First of all, let us examine ourselves. Are we the enemies of that flag? Are we the enemies of the government which it represents? Are we the enemies of the American Union? If we are, I concede the conclusion that we are not fit to be representatives in that government. No enemy of a government ought to be trusted with its administration. On the other hand, if we are not enemies but friends, then they, who denounce us as enemies, are slanderers of one-third of the Union, and are themselves the enemies of the Union, and not fit to be entrusted

with the administration of the government. In a patriotic spirit, seeking to arrive at the true solution of this question, let us consider it fearlessly and frankly, concealing nothing and shrinking from nothing. Now, fellow-citzens, here in the metropolis of my native state, here where every building in our sight is one that has arisen upon the ashes of the war, here in the presence of the governor of my state, here in the presence of these thousands of my fellow-citizens, I will announce three propositions which every Southern man ought to accept and will accept as axioms in American politics never to be questioned. They will test our fidelity or infidelity to that flag. The first proposition is this: The American Union constituted, when formed, and yet constitutes, the wisest, noblest and grandest contribution ever made by the human intellect to the science of government. The second proposition is that the preservation of the American Union is the highest possible duty of patriotism. The third proposition is that the destruction of the American Union would be the greatest crime possible against human progress and happiness. If the first proposition be true, the two others follow as corollaries and are necessarily true.

Now, the first proposition is that the American Union as formed, and as it now exists, constituted and constitutes the wisest, noblest, and greatest contribution ever made by the human intellect to the science of government. What is the American Union? What are the means by which that Union must be preserved, and what are the dangers that threaten its destruction? First, what is the American Union? There is no greater popular error, for which I insist the statesmanship of this country is largely responsible, than the popular idea which contemplates the Union only as a fact. Most people

think that by American Union you mean the fact that the people of this country, inhabiting a given territory, originally embracing thirteen States along the Atlantic coast, and now composing thirty-eight States, extending from ocean to ocean and from lakes to gulf, live under one and the same government and have the same flag. Fellow-citizens, what do you mean when you say that our fathers exhibited great wisdom in forming the American Union?

Our fathers did not form the territory. God formed the territory and the monarchies of the old world peopled it! The fame of our fathers for wisdom cannot be based on these facts. The great truth which I would impress upon the American people is, that the American Union is a principle, and is a fact only as that fact is the result and the product of a principle. Why, suppose this government, under which this people live, was a Russian despotism, a German empire, a Mexican anarchy; it would be over the same territory and might be inhabited by the same people, and they might have even the same flag. But would any man say *that* was the American Union? Would any man say *that* was the Union founded by our fathers and which made them immortal for wisdom? And yet the fact of union would exist, precisely as now, in either case supposed. We must come to the great point, *the American Union is a system of government,* and the wisdom of its framers must be determined by the adaptability of this system of government to promote the happiness and the progress of the people who inhabit this given territory.

Next, then, what is the system of government?

There are two great essential features of this great system, without either of which the whole system would fail, and I shall briefly call your attention to these two essential features. Every man in

America ought to understand them and be able to give a reason why the American Union is a great system of government and why this system, represented by that flag floating above us, ought to be dear to every American citizen. The first essential feature of this American system is this: That there shall be a *general* government for *general* affairs and a *local* government for *local* affairs. That is the first underlying fundamental and indispensable principle of the American system of government. It was a happy thought. There are certain affairs which are general to all the people of this country equally. If you did not have one general government clothed with jurisdiction to manage those general affairs, each state would have to manage them for herself. That would multiply the expense and dangers of our foreign affairs thirty-eight times; that would multiply our standing armies thirty-eight times; that would multiply all the machinery of general government thirty-eight times; that would line the borders of thirty-eight states with custom house and foreign regulations and military fortifications! To avoid such burdens, our fathers provided one general government to take charge of all the affairs that were general and common to all the states alike, leaving each state to manage its own local affairs in its own way. Why? Because each state would be the best judge of what local laws suited its own people, better than any foreign States and better than any government representing a great number of states. So that, I repeat, the first great leading idea and fundamental feature in this American system of government is a general government for general affairs and local or state governments for local or state affairs.

The second great feature of this system of government is, that it is absolutely necessary to the work-

ing of the system that each of these governments should be free, independent, and unrestrained in the exercise of its own appropriate functions. Every reason which makes the division in the functions of government wise, makes independence in the exercise of these functions necessary. Neither government can be efficient if trammeled, restrained, or supervised by the others. I cannot delay you now with elaboration. I give you the general idea, I give you the two great features of this system. One of the greatest and best of the framers of the Constitution put this idea in perhaps as good language as has ever been employed. It was the great and noble Ellsworth, of Connecticut, one of the wisest members of the convention of 1787, and I desire to read what he said in that convention:

"Under a national government he should participate in the national security; but that was all. What he wanted was domestic happiness. The national government could not descend to the local objects on which this depended. It could only embrace objects of a general nature. He turned his eyes, therefore, for the preservation of his rights to the state governments. From these alone he could derive the greatest happiness he expected in this life. His happiness depends on their existence as much as a new-born infant on its mother for nourishment."

So, for remedies for all your civil rights; for penal laws to restrain crime and provide punishment for the criminal; for the regulation of your titles and protection of your property; for the preservation of individual life, individual liberty, and individual prosperity, these all devolve upon your State government. When you want relations with people outside of your state, with foreign government, or with the citizens of other states, then you enter relations appropriate to the general government and there you must go for protection in them.

Fellow-citizens, you cannot too well contemplate these two grand features of this system. When you

understand them thoroughly, you comprehend the great general character of our American system of government, and never otherwise. Now, both governments derive their authority from the same source—the people. The government of each state deriving its authority from the people of that state, and the general government deriving its authority from the people of all the states, each state acting through its own people. Now there is no conflict between these two jurisdictions. Each has its own sphere. Each has its own functions. They are co-equals; they are co-ordinate; they are also co-independent, and yet co-workers in the one grand end of preserving the rights and liberties of the same people. There never was a reason on earth why there should have been any conflict between their jurisdictions—if patriotism had controlled all public men. You see, each of these governments also is a perfect government. The general government is a perfect government, having its own legislature, its own judiciary, and its own executive power. So you see also each state government is a perfect government, having its own legislature, its own judiciary, and its own executive power. Each perfect in its own domain, in the exercise of its own functions. But, then, neither alone is a *complete* government, because a complete government is that which protects its citizens in both their internal and external relations. But as the state government protects the citizen in his internal relations and the general government in his external relations, you see, while both governments are perfect in their sphere, it takes both together to make a complete government for the citizen. Now, then, who is the enemy of that government? The state government is a part of the American Union, just as much as the general government is a part of the American Union. It takes both to

complete the great system known as the American Union. Who then, I repeat, is a disunionist? The man who strikes at the Federal government is a disunionist, because he strikes at an essential feature of the system which makes the American Union. But the man who strikes at the state government is also a disunionist, because he strikes at an equally essential feature of the same system. He alone is a perfect Union man who is faithful to the whole system —to both the general government and the state government, each in its sphere. Blot out the stars from that flag and you have no American flag; blot out the states from this Union and you have no American Union! Cripple the states and you cripple the Union. Invade the states and you invade the Union. Make war on the states and you are a traitor making war on the Union.

Fellow-citizens, this system of government, this American Union, I have *always* said has no parallel in history. I say here to-day that it is the best, the wisest, the grandest system of government the world ever saw. One great mistake our statesmen have made has consisted in trying to judge this government by previous systems. There is nothing in history like it. The solons of Greece had as little comprehension of this American system of government as the soldier, with his javelin at Marathon, had of our modern columbiads; or the sailor, with his galley at Salamis, had of our modern ironclads. The Catos and Ciceros of Rome had as little comprehension of the grandeur and wisdom and beauty of our American system, as the dweller upon the banks of the sluggish Tiber had of the length, depth, and power of the Mississippi river. No, my American friends, you are the heirs, under Providence, of the greatest system of government the world ever saw. If you destroy it, there is no hope beyond. This sys-

tem is as new to the science of government as was the discovery of America new to the map of the world. And I have sometimes thought that Providence, tired of the wranglings, and strifes, and oppressions, and wrongs of the governments in Europe and Asia for thousands of years, had reserved this grand continent, that the wearied and oppressed of all nations might come and form by their mingling a new people, on a new continent, and inspired our fathers to provide for them a new system of government, most wisely adapted to their wants and happiness, and thus develop the highest type of the human race.

The greatest enemy this Union has hitherto had has been sectionalism. No one state has ever endangered the general government, and the general government could not undertake to endanger any one state without exciting the ire of all. But sectionalism, by which I mean the desire of one section of the country composed of several states, to either use, abuse, or destroy the general government for the purpose of promoting ideas or interests peculiar to that section, has proved, in our history, to be the most dangerous enemy to the system of government which makes the American Union. This sectionalism has assumed its most dangerous form whenever it has been organized into geographical parties and distinctions. Washington saw this spirit of sectionalism even in the midst of the Revolution. He saw it during his administration.

It came near destroying the system on several occasions during his administration. And in his farewell address he warned his countrymen, in the strongest terms, against the formation of parties on geographical lines, ideas, and distinctions. I am dealing to-day with history and not mere parties. But, necessarily, history involves parties, and I shall

state nothing but what history proves to be true; and, following up this history with my argument, I state that the first large sectional party ever organized in America upon geographical lines and ideas, and directly contrary to Washington's warning, was the Republican party of the North. That party, twenty-one years ago, organized upon a geographical basis, upon sectional ideas and for sectional purposes. Its organization was confined to the Northern states. It had no organization in any Southern state; it expected none and desired none, because its animating spirit of sectionalism was animosity to Southern institutions. Therefore, it could be no other than a sectional party, organized on a geographical line, to promote ideas peculiar to one section against property peculiar to the other section. That sectional party provoked into existence naturally a Southern sectional party, one antagonizing the other. The last sectional party took its name as the Southern Rights or Secession party. Now, a party is not less sectional because it remains in the Union; because the very worst and most unmanly form of disunion is that which seeks to hold on to the government of the Union for the purpose of accomplishing sectional objects, and thereby destroying the system on which the Union was founded. Whatever else may be said of secession—and I concede it was a madness—it was at least manly and direct. It scorned to use the Union to promote sectional ideas. It would not violate the constitution in the name of loyalty. It would not hold the government to sell its offices. It was unwise and suicidal, but still brave and manly.

Now, when these two sectional parties organized, one in the North and the other in the South, you will observe the results. The antagonisms of these two sectional parties continued to increase irritation un-

til secession followed and war was waged. Then, my fellow-countrymen, here is the grand point to which I want to call your attention now. It is this, that the late war was between two sectional parties. The Union represented by that flag was no party to that war save as a weeping, bleeding victim!

True, after the leaders of each sectional party got control of their respective sections to such an extent that war resulted, the Union people of each section went into the armies of their respective sections, and neither ought to be blamed for that. Thousands here who had no sympathy with secession went into the service of the sectional party of the South, against a sectional party North, but they did not go into it to strike at a single principle represented by that flag. Thousands, hundreds of thousands of patriotic Northern men, who had no sympathy with the original sectional organization that led them, when the crisis came went bravely into the fight, as they honestly believed, for the Union; and they acted patriotically and nobly, and we cheerfully concede to them pensions, and all the benefits of their apparent Union position. Each side did what it thought right in standing up to its own side in the sectional war. Thousands in both armies, while slaying each other in a sectional fight, would have given their lives for the true common American Union. Our Northern friends had the great advantage of being in possession of the government, an advantage which they reaped more from our own folly than their own wisdom, and they used that government to help accomplish their sectional purposes, and that was the great advantage they had of us.

But, my fellow-citizens, it is with no ordinary pride that I, who have opposed all these sectional parties, can stand here in the City of Atlanta, in the very center of all our sorrows, and raise my voice,

fearing no successful contradiction when I affirm *that the Union never made war upon the South.* It was not the Union, my countrymen, that slew your children; it was not the Union that burned your cities; it was not the Union that laid waste your country, invaded your homes, and mocked at your calamity; it was not the Union that reconstructed your states! it was not the Union that disfranchised intelligent citizens and denied them participation in their own governments. No, No! Charge not these wrongs upon the Union of your fathers. Every one of these wrongs was inflicted by a diabolical sectionalism in the very teeth of every principle of the American Union. So equally, I say, *the South never made war upon the Union.* There has never been an hour when nine out of ten of us would not have given our lives for this Union. We did not leave that Union because we were dissatisfied with it; we did not leave the Union to make war on it—we left the Union because a sectional party had seized it, and we hoped thereby to avoid a conflict. But if war must come, we intended to fight a sectional party and not the Union. Therefore, the late war, with all its disastrous consequences, is the direct result of sectionalism in the North and of sectionalism in the South, and none, I repeat, of these disasters is chargeable on the Union.

When unimpassioned reason shall review our past, there is no subject in all our history on which our American statesmanship, North and South, will be adjudged to have been so unwise, so imbecile, and so utterly deficient as upon that one subject, which stimulated these sectional parties into existence.

There was nothing in slavery which could justify the North in forming a sectional party to cripple or destroy it, and there was nothing in slavery which could justify the South in leaving the Union to main-

tain it. There was no right in freedom contrary to the constitution, and there was no safety for slavery out of the Union. The whole African race, whether slaves or free, were not worth the American Union. One hour of the American Union has done more for human progress than all the governments formed by the negro race in six thousand years! And the dear noble boys of the white race, North and South, who fell in the late war, slaying each other for the negro, were worth more to civilization and human happiness than the whole African race of the world.

We will do justice to the colored man. We are under the very highest obligations of a brave manhood to do justice to the negro. He is not our equal. He is in our power, and cowardice takes no meaner shape than when power oppresses weakness. But in the name of civilization, in the name of our fathers, in the name of forty millions of living whites and of hundreds of millions of their coming children; in the name of every principle represented by that banner above us, I do protest to-day, that there is nothing in statesmanship, nothing in philanthropy, and nothing in patriotism, which can justify the peril or destruction of the rights and liberties of the black race. We have shed more white blood and wasted more white treasure in four years over the liberties of the negro in these states, than the entire negro race would have shed and wasted for their own liberties in all the ages of the world! And all at the bidding of sectional demagogues who still cry for more!

We have buried, widowed, and orphaned one white person for every colored person, old or young, male and female, in America; and yet there are hundreds of demagogues now haranguing the honest, deluded masses of the North, seeking to keep themselves in power, by keeping alive the passions of sectional

hate, at the hazard of every right and of every liberty intended to be preserved and protected by our American Union! God of our fathers! how long, oh how long shall this madness continue and successfully usurp the places to disgrace the functions of elevated statesmanship?

Above all the din of these sectional quarrelings I would raise my voice, and proclaim to all our people, that there is no right or liberty for any race of any color in America, save in the preservation of that great American Union according to the principles symbolized by that flag. Destroy the general government and the states will rush into anarchy. Destroy the states, and we will all rush into despotism and slavery. Preserve the general government; preserve the states; and preserve both by keeping each untrammeled in its appropriate sphere, and we shall preserve the rights and liberties of all sections and of all races for all time.

But extreme men in both sections insisted upon settling the issues of slavery by force; and in this fell spirit both the sectional parties were organized. And upon this line of force, so contrary to every principle of our constitutional system, the issues have been settled, but at what a fearful cost. We have wasted in money and the destruction of property fifteen billions of dollars. We have slain one million of our own sons, brothers and fellow-citizens. We have made one million of sorrowing widows, and two millions of weeping orphans, and still the range of sectional hate and passion goes on! On the other hand, suppose this question of slavery had been treated as every other question settled by our constitution had been treated—in a spirit of amity and of mutual deference and concession. Every slave had his market value. The South could not have been wronged by receiving that market value,

because that was her due. The North could not have been wronged in paying that market value, for it was an obligation justly due under the recognition of property in slaves by the constitution.

And by this plan of wisdom and justice and peace every slave could have been set free at a cost not exceeding one-tenth of the values destroyed by the conflict of force, and without one drop of blood and without one hour of war. And what was in the way of this plan? Nothing, nothing but an unreasoning sectionalism and an insatiate thirst for power under the influence of that sectionalism.

Suppose we concede for the argument, that slavery was a wrong—if you please, a crime. Who was guilty of that crime? The black man is the only portion of our population that came here involuntarily. The Northern fathers captured him a barbarian, in Africa, reduced him to slavery, brought him to America, and our Southern fathers bought him. If that was a crime, were not all our fathers parties to it? Was not here a field for charity and mutual concession? So again, if slavery was a crime, that crime was repeated when it was recognized as property in the constitution. Who made that recognition? Not only the Northern fathers, not only the Southern fathers, but all *our* fathers! Was not here again a field for mutual deference and concession?

The resolve to manumit the slave by force was the greatest of all possible crimes in our dealings with the negro. It was that fell spirit that organized the sectional parties and precipitated the war which has cost us so much, and which threatens to cost us our all in the final destruction of our American Union. Who shall be able to describe the fearful judgment which an unimpassioned and impartial posterity shall pronounce upon the weak, wayward, wicked statesmanship that could not and would not emanci-

pate the black race without destroying and imperiling everything of right, property, or liberty belonging to the white race!

Fellow-citizens, I have stated, but I cannot too often repeat, that all the curses that we have suffered originated, not in adherence to the principles of our Union, but in a departure from those principles. No symbol in the flag above us either taught the war, or can justify the war. We owe all our wrongs to unpatriotic sectional parties organized first in the North and then in the South. Sectionalism at the South has been utterly crushed out by the war. Secession is dead, and can have no resurrection in the South. It now remains for every patriot, North and South, to unite and crush out the only remaining sectional party—that grim-visaged parent of all sectional parties—the sectional Republican party of the North, with the ballots of freemen. Then we shall have peace; then we shall have Union —cordial, equal Union; then we shall have our American system of government in all the plenitude of its glory and power, and ever ample for the protection of the life, liberty, and property of every man of every section North and South, and of every race, black and white.

The very perfection of patriotism is animosity to sectionalism. I do not mean only sectionalism at the South. I mean sectionalism anywhere and everywhere. I do not mean only sectionalism in the form of secession; I mean sectionalism in any form and in every form. Sectionalism under any pretext, sectionalism for any purpose is disunionism. And sectional disunionism can take no more odious form, it can wear no more traitorous hue, than when it seeks to seize or hold the powers of our common Union by teaching the people of the different sections to hate each other. Even now, while I speak, this spirit of

sectional disunionism—insolent with power, and reeking with corruption in the capital of the nation—is forging chains for the states for no purpose but to continue its foul domination. There is no safety for property, for right, or liberty, or union, save in a patriotic return by all sections of our country to the principles of that great system of government whose symbols we read in the flag above us.

My countrymen, have you studied this wonderful American system of free government? Have you compared it with former systems and noted how our forefathers sought to avoid their defects? Let me commend this study to every American citizen today. To him who loves liberty, it is more enchanting than romance, more bewitching than love, and more elevating than any other science. Our fathers adopted this plan, with improvements in the details, which cannot be found in any other system. With what a noble impulse of patriotism they came together from different states and joined their counsels to perfect this system, thenceforward to be known as the "American System of Free Constitutional Government"! The snows that fall on Mount Washington are not purer than the motives which begot it. The fresh dew-laden zephyrs from the orange groves of the South are not sweeter than the hopes its advent inspired. The flight of our symbolic eagle, though he blow his breath on the sun, cannot be higher than its expected destiny. Have the motives which so inspired our fathers become all corrupt in their children? Are the hopes that sustained them all poisoned to us? Is that high expected destiny all eclipsed, and before its noon?

No, no, forever no! patriots North, patriots South, patriots everywhere! let us hallow this year of Jubilee by burying all our sectional animosities. Let

us close our ears to the men and the parties that teach us to hate each other!

Rise high that flag of our fathers! Let Southern breezes kiss it! Let Southern skies reflect it! Southern patriots will love it! Southern sons will defend it, and Southern heroes will die for it! And as its folds unfurl beneath the heavens, let our voices unite and swell the loud invocation: Flag of our Union! Wave on! wave ever! But wave over freemen, not over subjects! Wave over states, not over provinces! And now let the voices of patriots from the North, and from the West, and from the East, join our voices from the South, and send to heaven one universal according chorus. Wave on, flag of our fathers! Wave forever! But wave over a union of equals, not over a despotism of lords and vassals; over a land of law, of liberty, and peace, and not of anarchy, oppression, and strife!

HENRY W. GRADY.

THE NEW SOUTH.

[On December 21, 1886, Mr. Grady, in response to an urgent invitation, delivered the following address at the banquet of the New England Club, New York.]

"THERE was a South of slavery and secession—that South is dead. There is a South of union and freedom—that South, thank God, is living, breathing, growing every hour." These words, delivered from the immortal lips of Benjamin H. Hill, at Tammany Hall, in 1886, true then and truer now, I shall make my text to-night.

Mr. President and Gentlemen: Let me express to you my appreciation of the kindness by which I am permitted to address you. I make this abrupt acknowledgment advisedly, for I feel that if, when I raise my provincial voice in this ancient and august presence, I could find courage for no more than the opening sentence, it would be well if in that sentence I had met in a rough sense my obligation as a guest, and had perished, so to speak, with courtesy on my lips and grace in my heart. Permitted, through your kindness, to catch my second wind, let me say that I appreciate the significance of being the first Southerner to speak at this board, which bears the substance, if it surpasses the semblance, of original New England hospitality—and honors the sentiment that in turn honors you, but in which my personality is lost, and the compliment to my people made plain.

I bespeak the utmost stretch of your courtesy to-night. I am not troubled about those from whom I

HENRY W. GRADY.

come. You remember the man whose wife sent him to a neighbor with a pitcher of milk, and who, tripping on the top step, fell with such casual interruptions as the landings afforded into the basement, and, while picking himself up, had the pleasure of hearing his wife call out: "John, did you break the pitcher?"

"No, I didn't," said John, "but I'll be dinged if I don't."

So, while those who call me from behind may inspire me with energy, if not with courage, I ask an indulgent hearing from you. I beg that you will bring your full faith in the American fairness and frankness to judgment upon what I shall say. There was an old preacher once who told some boys of the Bible lesson he was going to read in the morning. The boys, finding the place, glued together the connecting pages. The next morning he read on the bottom of one page, "When Noah was one hundred and twenty years old he took unto himself a wife, who was"—then turning the page—"140 cubits long—40 cubits wide, and built of gopher wood—and covered with pitch inside and out." He was naturally puzzled at this. He read it again, verified it, and then said: "My friends, this is the first time I ever met this in the Bible, but I accept this as an evidence of the assertion that we are fearfully and wonderfully made." If I could get you to hold such faith to-night I could proceed cheerfully to the task I otherwise approach with a sense of consecration.

Pardon me one word, Mr. President, spoken for the sole purpose of getting into the volumes that go out annually freighted with the rich eloquence of your speakers—the fact that the Cavalier as well as the Puritan was on the continent in its early days, and that he was "up and able to be about." I have

read your books carefully and I find no mention of that fact, which seems to me an important one for preserving a sort of historical equilibrium if for nothing else.

Let me remind you that the Virginia Cavalier first challenged France on the continent—that Cavalier, John Smith, gave New England its very name, and was so pleased with the job that he has been handing his own name around ever since—and that while Miles Standish was cutting off men's ears for courting a girl without her parents' consent, and forbade men to kiss their wives on Sunday, the Cavalier was courting everything in sight, and that the Almighty had vouchsafed great increase to the Cavalier colonies, and huts in the wilderness being as full as the nests in the woods.

But having incorporated the Cavalier as a fact in your charming little books, I shall let him work out his own salvation, as he has always done, with engaging gallantry, and we will hold no controversy as to his merits. Why should we? Neither Puritan nor Cavalier long survived as such. The virtue and good traditions of both happily still live for the inspiration of their sons and the saving of the old fashion. But both Puritan and Cavalier were lost in the storm of the first Revolution, and the American citizen, supplanting both and stronger than either, took possession of the republic bought by their common blood and fashioned to wisdom, and charged himself with teaching men government and establishing the voice of the people as the voice of God.

My friends, Dr. Talmage has told you that the typical American has yet to come. Let me tell you that he has already come. Great types, like valuable plants, are slow to flower and fruit. But from the union of these colonists, Puritans and Cavaliers,

from the straightening of their purposes and the crossing of their blood, slow perfecting through a century, came he who stands as the first typical American, the first who comprehended within himself all the strength and gentleness, all the majesty and grace of this republic—Abraham Lincoln. He was the sum of Puritan and Cavalier, for in his ardent nature were fused the virtues of both, and in the depths of his great soul the faults of both were lost. He was greater than Puritan, greater than Cavalier, in that he was American, and that in his honest form were first gathered the vast and thrilling forces of his ideal government—charging it with such tremendous meaning and elevating it above human suffering that martyrdom, though infamously aimed, came as a fitting crown to a life consecrated from the cradle to human liberty. Let us, each cherishing the traditions and honoring his fathers, build with reverent hands to the type of this simple but sublime life, in which all types are honored, and in our common glory as Americans there will be plenty and to spare for your forefathers and for mine.

Dr. Talmage has drawn for you, with a master's hand, the picture of your returning armies. He has told you how, in the pomp and circumstance of war, they came back to you, marching with proud and victorious tread, reading their glory in a nation's eyes! Will you bear with me while I tell you of another army that sought its home at the close of the late war—an army that marched home in defeat and not in victory—in pathos and not in splendor, but in glory that equaled yours, and to hearts as loving as ever welcomed heroes home! Let me picture to you the footsore Confederate soldier, as buttoning up in his faded jacket the parole which was to bear testimony to his children of his fidelity and faith, he turned his face southward from Appomattox in

April, 1865. Think of him as ragged, half-starved, heavy hearted, enfeebled by want and wounds, having fought to exhaustion, he surrenders his gun, wrings the hands of his comrades in silence, and lifting his tear-stained and pallid face for the last time to the graves that dot old Virginia hills, pulls his gray cap over his brow and begins the slow and painful journey. What does he find—let me ask you who went to your homes eager to find, in the welcome you had justly earned, full payment for four years' sacrifice—what does he find when, having followed the battle-stained cross against overwhelming odds, dreading death not half so much as surrender, he reaches the home he left so prosperous and beautiful? He finds his house in ruins, his farm devastated, his slaves free, his stock killed, his barns empty, his trade destroyed, his money worthless, his social system, feudal in its magnificence, swept away; his people without law or legal status; his comrades slain, and the burdens of others heavy on his shoulders. Crushed by defeat, his very traditions are gone. Without money, credit, employment, material or training; and beside all this, confronted with the gravest problem that ever met human intelligence—the establishing of a status for the vast body of his liberated slaves.

What does he do—this hero in gray with a heart of gold? Does he sit down in sullenness and despair? Not for a day. Surely God, who had stripped him of his prosperity, inspired him in his adversity. As ruin was never before so overwhelming, never was restoration swifter. The soldier stepped from the trenches into the furrow; horses that had charged Federal guns marched before the plow, and fields that ran red with human blood in April were green with the harvest in June; women reared in luxury cut up their dresses and made breeches for their hus-

bands, and, with a patience and heroism that fit women always as a garment, gave their hands to work. There was little bitterness in all this. Cheerfulness and frankness prevailed. "Bill Arp" struck the key-note when he said: "Well, I killed as many of them as they did of me, and now I'm going to work." Of the soldier returning home after defeat and roasting some corn on the roadside, who made the remark to his comrades: "You may leave the South if you want to, but I am going to Sandersville, kiss my wife and raise a crop, and if the Yankees fool with me any more, I'll whip 'em again." I want to say to General Sherman, who is considered an able man in our parts, though some people think he is a kind of careless man about fire, that from the ashes he left us in 1864 we have raised a brave and beautiful city; that somehow or other we have caught the sunshine in the bricks and mortar of our homes, and have builded therein not one ignoble prejudice or memory.

But what is the sum of our work? We have found out that in the summing up the free negro counts more than he did as a slave. We have planted the schoolhouse on the hilltop and made it free to white and black. We have sowed towns and cities in the place of theories, and put business above politics. We have challenged your spinners in Massachusetts and your iron-makers in Pennsylvania. We have learned that the $400,000,000 annually received from our cotton crop will make us rich when the supplies that make it are home-raised. We have reduced the commercial rate of interest from 24 to 6 per cent., and are floating 4 per cent. bonds. We have learned that one northern immigrant is worth fifty foreigners; and have smoothed the path to southward, wiped out the place where Mason and Dixon's line used to be, and hung out latchstring to you and

yours. We have reached the point that marks perfect harmony in every household, when the husband confesses that the pies which his wife cooks are as good as those his mother used to make; and we admit that the sun shines as brightly and the moon as softly as it did before the war. We have established thrift in city and country. We have fallen in love with work. We have restored comfort to homes from which culture and elegance never departed. We have let economy take root and spread among us as rank as the crab-grass which sprung from Sherman's cavalry camps, until we are ready to lay odds on the Georgia Yankee as he manufactures relics of the old battlefield in a one-story shanty and squeezes pure olive oil out of his cotton seed, against any down-easter that ever swapped wooden nutmegs for flannel sausage in the valleys of Vermont. Above all, we know that we have achieved in these "piping times of peace" a fuller independence for the South than that which our fathers sought to win in the forum by their eloquence or compel in the field by their swords.

It is a rare privilege, sir, to have had part, however humble, in this work. Never was nobler duty confided to human hands than the uplifting and upbuilding of the prostrate and bleeding South—misguided, perhaps, but beautiful in her suffering, and honest, brave and generous always. In the record of her social, industrial and political illustration we await with confidence the verdict of the world.

But what of the negro? Have we solved the problem he presents or progressed in honor and equity toward solution? Let the record speak to the point. No section shows a more prosperous laboring population than the negroes of the South, none in fuller sympathy with the employing and land-owning class. He shares our school fund, has the fullest pro-

tection of our laws and the friendship of our people. Self-interest as well as honor, demand that he should have this. Our future, our very existence depend upon our working out this problem in full and exact justice. We understand that when Lincoln signed the emancipation proclamation, your victory was assured, for he then committed you to the cause of human liberty, against which the arms of man cannot prevail—while those of our statesmen who trusted to make slavery the cornerstone of the Confederacy doomed us to defeat as far as they could, committing us to a cause that reason could not defend or the sword maintain in sight of advancing civilization.

Had Mr. Toombs said, which he did not say, "that he would call the roll of his slaves at the foot of Bunker Hill," he would have been foolish, for he might have known that whenever slavery became entangled in war it must perish, and that the chattel in human flesh ended forever in New England when your fathers—not to be blamed for parting with what didn't pay—sold their slaves to our fathers—not to be praised for knowing a paying thing when they saw it. The relations of the southern people with the negro are close and cordial. We remember with what fidelity for four years he guarded our defenseless women and children, whose husbands and fathers were fighting against his freedom. To his eternal credit be it said that whenever he struck a blow for his own liberty he fought in open battle, and when at last he raised his black and humble hands that the shackles might be struck off, those hands were innocent of wrong against his helpless charges, and worthy to be taken in loving grasp by every man who honors loyalty and devotion. Ruffians have maltreated him, rascals have misled him, philanthropists established a bank for him, but the South, with

the North, protests against injustice to this simple and sincere people. To liberty and enfranchisement is as far as the law can carry the negro. The rest must be left to conscience and common sense. It must be left to those among whom his lot is cast, with whom he is indissolubly connected, and whose prosperity depends upon their possessing his intelligent sympathy and confidence. Faith has been kept with him, in spite of calumnious assertions to the contrary by those who assume to speak for us or by frank opponents. Faith will be kept with him in the future, if the South holds her reason and integrity.

But have we kept faith with you? In the fullest sense, yes. When Lee surrendered—I don't say when Johnson surrendered, because I understand that he still alludes to the time when he met General Sherman last as the time when he determined to abandon any further prosecution of the struggle —when Lee surrendered, I say, and Johnson quit, the South became, and has since been, loyal to this Union. We fought hard enough to know that we were whipped, and in perfect frankness accept as final the arbitrament of the sword to which we had appealed. The South found her jewel in the toad's head of defeat. The shackles that had held her in narrow limitations fell forever when the shackles of the negro slave were broken. Under the old régime the negroes were slaves to the South; the South was a slave to the system. The old plantation, with its simple police regulations and feudal habit, was the only type possible under slavery. Thus was gathered in the hands of a splendid and chivalric oligarchy the substance that should have been diffused among the people, as the rich blood, under certain artificial conditions is gathered at the heart, filling

that with affluent rapture but leaving the body chill and colorless.

The old South rested everything on slavery and agriculture, unconscious that these could neither give nor maintain healthy growth. The new South presents a perfect democracy, the oligarchs leading in the popular movement—a social system compact and closely knitted, less splendid on the surface, but stronger at the core—a hundred farms for every plantation, fifty homes for every palace—and a diversified industry that meets the complex need of this complex age.

The new South is enamored of her new work. Her soul is stirred with the breath of a new life. The light of a grander day is falling fair on her face. She is thrilling with the consciousness of growing power and prosperity. As she stands upright, full-statured and equal among the people of the earth, breathing the keen air and looking out upon the expanded horizon, she understands that her emancipation came because through the inscrutable wisdom of God her honest purpose was crossed, and her brave armies were beaten.

This is said in no spirit of time-serving or apology. The South has nothing for which to apologize. She believes that the late struggle between the States was war and not rebellion; revolution and not conspiracy, and that her convictions were as honest as yours. I should be unjust to the dauntless spirit of the South and to my own convictions if I did not make this plain in this presence. The South has nothing to take back. In my native town of Athens is a monument that crowns its central hill—a plain, white shaft. Deep cut into its shining side is a name dear to me above the names of men—that of a brave and simple man who died in brave and simple faith. Not for all the glories of New England,

from Plymouth Rock all the way, would I exchange the heritage he left me in his soldier's death. To the foot of that I shall send my children's children to reverence him who ennobled their name with his heroic blood. But, sir, speaking from the shadow of that memory which I honor as I do nothing else on earth, I say that the cause in which he suffered and for which he gave his life was adjudged by higher and fuller wisdom than his or mine, and I am glad that the omniscient God held the balance of battle in His Almighty hand and that human slavery was swept forever from American soil, the American Union was saved from the wreck of war.

This message, Mr. President, comes to you from consecrated ground. Every foot of the soil about the city in which I live is as sacred as a battle ground of the republic. Every hill that invests it is hallowed to you by the blood of your brothers who died for your victory, and doubly hallowed to us by the blow of those who died hopeless, but undaunted, in defeat—sacred soil to all of us—rich with memories that make us purer and stronger and better—silent but staunch witnesses in its red desolation of the matchless valor of American hearts and the deathless glory of American arms—speaking an eloquent witness in its white peace and prosperity to the indissoluble union of American States and the imperishable brotherhood of the American people.

Now, what answer has New England to this message? Will she permit the prejudice of war to remain in the hearts of the conquerors, when it has died in the hearts of the conquered? Will she transmit this prejudice to the next generation, that in their hearts which never felt the generous ardor of conflict it may perpetuate itself? Will she withhold save in strained courtesy, the hand which straight from his soldier's heart Grant offered to Lee at Ap-

pomattox? Will she make the vision of a restored and happy people, which gathered about the couch of your dying captain, filling his heart with grace; touching his lips with praise, and glorifying his path to the grave—will she make this vision on which the last sigh of his expiring soul breathed a benediction, a cheat and delusion? If she does, the South, never abject in asking for comradeship, must accept with dignity its refusal; but if she does not refuse to accept in frankness and sincerity this message of good will and friendship, then will the prophecy of Webster, delivered in this very society forty years ago amid tremendous applause, become true, be verified in its fullest sense, when he said: "Standing hand to hand and clasping hands, we should remain united as we have been for sixty years, citizens of the same country, members of the same government, united, all united now and united forever." There have been difficulties, contentions, and controversies, but I tell you that in my judgment,

> "Those opened eyes,
> Which like the meteors of a troubled heaven,
> All of one nature, of one substance bred,
> Did lately meet in th' intestine shock,
> Shall now, in mutual well beseeming ranks,
> March all one way."

WILLIAM WIRT.

TRIAL OF AARON BURR.

[Speech delivered May, 1807, Circuit Court of U. S., at Richmond, Va.]

* * * LET us put the case between Burr and Blennerhassett. Let us compare the two men and settle this question of precedence between them. It may save a good deal of troublesome ceremony hereafter.

Who Aaron Burr is, we have seen in part already. I will add that beginning his operations in New York, he associates with him men whose wealth is to supply the necessary funds. Possessed of the mainspring, his personal labor contrives all the machinery. Pervading the continent from New York to New Orleans, he draws into his plan, by every allurement which he can contrive, men of all ranks and descriptions. To youthful ardor he presents danger and glory; to ambition, rank and titles and honors; to avarice, the mines of Mexico. To each person whom he addresses he presents the object adapted to his taste. His recruiting officers are appointed. Men are engaged throughout the continent. Civil life is indeed quiet upon its surface, but in its bosom this man has contrived to deposit the materials which, with the slightest touch of his match, produce an explosion to shake the continent. All this his restless ambition has contrived; and in the autumn of 1806 he goes forth for the last time to apply this match. On this occasion he meets with Blennerhassett.

WILLIAM WIRT.

Who is Blennerhassett? A native of Ireland, a man of letters, who fled from the storms of his own country to find quiet in ours. His history shows that war is not the natural element of his mind. If it had been, he never would have exchanged Ireland for America. So far is an army from furnishing the society natural and proper to Mr. Blennerhassett's character, that on his arrival in America, he retired even from the population of the Atlantic states, and sought quiet and solitude in the bosom of our western forests. But he carried with him taste and science and wealth; and lo, the desert smiled! Possessing himself of a beautiful island in the Ohio, he rears upon it a palace, and decorates it with every romantic embellishment of fancy. A shrubbery that Shenstone might have envied, blooms around him. Music that might have charmed Calypso and her nymphs is his. An extensive library spreads its treasures before him. A philosophical apparatus offers to him all the secrets and myteries of nature. Peace, tranquillity and innocence shed their mingled delights around him. And to crown the enchantment of the scene, a wife, who is said to be lovely even beyond her sex, and graced with every accomplishment that can render it irresistible, had blessed him with her love, and made him the father of several children. The evidence would convince you that this is but a faint picture of the real life. In the midst of all this peace, this innocent simplicity and this tranquillity, this feast of the mind, this pure banquet of the heart, the destroyer comes; he comes to change this paradise into a hell. Yet the flowers do not wither at his approach. No monitory shuddering through the bosom of their unfortunate possessor warns him of the ruin that is coming upon him. A stranger presents himself. Introduced to their civilities by the high rank which he had lately

held in his country, he soon finds his way to their hearts by the dignity and elegance of his demeanor, the light and beauty of his conversation, and the seductive and fascinating power of his address. The conquest was not difficult. Innocence is ever simple and credulous. Conscious of no design itself, it suspects none in others. It wears no guard before its breast. Every door, and portal, and avenue of the heart is thrown open, and all who choose it enter. Such was the state of Eden when the serpent entered its bowers. The prisoner, in a more engaging form, winding himself into the open and unpractised heart of the unfortunate Blennerhassett, found but little difficulty in changing the native character of that heart and the objects of its affection. By degrees he infuses into it the poison of his own ambition. He breathes into it the fire of his own courage; a daring and desperate thirst for glory; and ardor panting for great enterprises, for all the storm and bustle and hurricane of life. In a short time the whole man is changed, and every object of his former delight is relinquished. No more he enjoys the tranquil scene; it has become flat and insipid to his taste. His books are abandoned. His retort and crucible are thrown aside. His shrubbery blooms and breathes its fragrance upon the air in vain; he likes it not. His ear no longer drinks the rich melody of music; it longs for the trumpet's clamor and the cannon's roar. Even the prattle of his babes, once so sweet, no longer affects him; and the angel smile of his wife, which hitherto touched his bosom with ecstasy so unspeakable, is now unseen and unfelt. Greater objects have taken possession of his soul. His imagination has been dazzled by visions of diadems, of stars, and garters, and titles of nobility. He has been taught to burn with restless emulation at the names of great heroes and conquerors. His en-

chanted island is destined soon to relapse into a wilderness; and in a few months we find the beautiful and tender partner of his bosom, whom he lately "permitted not the winds of summer to visit too roughly," we find her shivering at midnight, on the wintry banks of the Ohio, and mingling her tears with the torrents that froze as they fell. Yet this unfortunate man, thus deluded from his interest and his happiness, thus seduced from the paths of innocence and peace, thus confounded in the toils that were deliberately spread for him, and overwhelmed by the mastering spirit and genius of another—this man, thus ruined and undone, and made to play a subordinate part in this grand drama of guilt and treason, this man is to be called the principal offender, while he, by whom he was thus plunged in misery, is comparatively innocent, a mere accessory! Is this reason? Is it law? Is it humanity? Sir, neither the human heart nor the human understanding will bear a perversion so monstrous and absurd! so shocking to the soul! so revolting to reason! Let Aaron Burr, then, not shrink from the high destination which he has courted, and having already ruined Blennerhassett in fortune, character and happiness, forever, let him not attempt to finish the tragedy by thrusting that ill-fated man between himself and punishment.

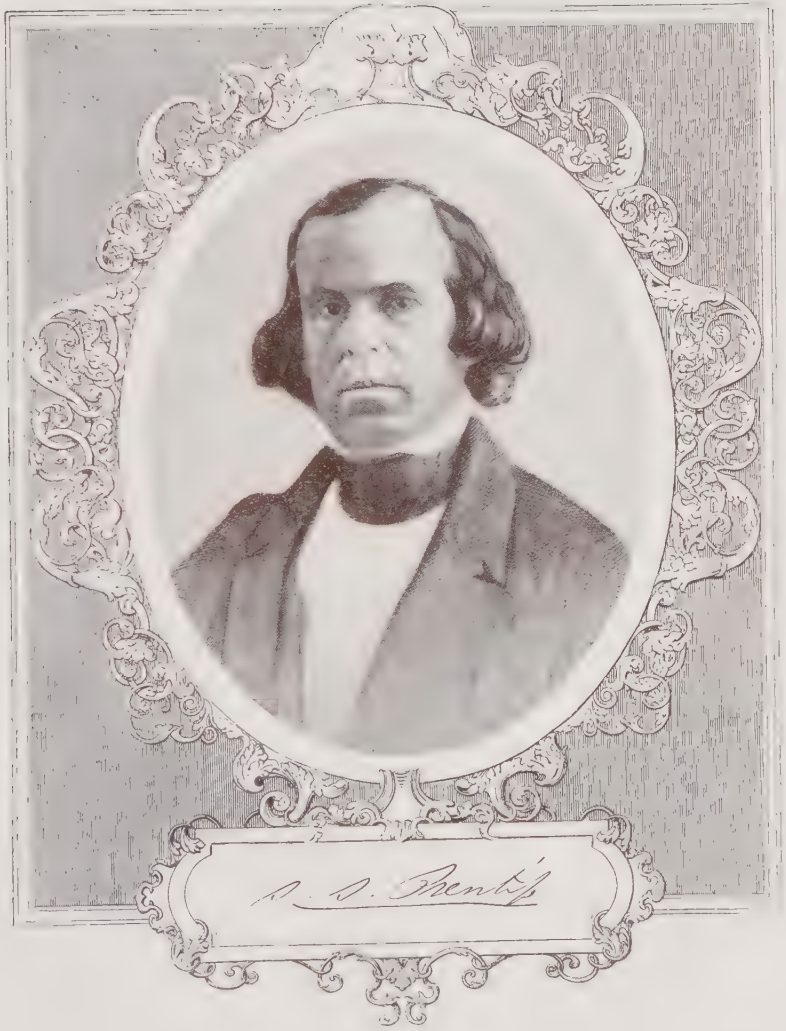
SEARGENT S. PRENTISS.

THE WILKINSON TRIAL.

[Extract from speech delivered in the Circuit Court at Harrodsburg, Ky., March 11, 1839.]

But the district attorney says they are not entitled to the benefit of the law of self-defense, because they came down to supper, and thus placed themselves, voluntarily, within reach of the danger. According to his view of the case, they should have remained in their chamber, in a state of seige, without the right to sally forth, even for provisions; while the enemy, cutting off their supplies, would, doubtless, soon have starved them into a surrender. But it seems there was a private entrance to the supper table, and they should have skulked in through that. No one but a craven coward, unworthy of the privileges of a man, would have followed such a course. The ordinary entrance to supper was through the bar-room. They had a right to pass this way; no law forbade it. Every principle of independence and self-respect prompted it. And through that bar-room I would have gone, as they did, though the floor had been fresh sown with the fabled dragon's teeth, and bristling with its crop of armed men.

I care not whether the assailing party had deadly weapons or not; though I will, by-and-by, show they had, and used them, too. But the true question is whether the defendants had not good reason for believing them armed and every way prepared for a desperate conflict. I have shown already that Dr.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Wilkinson and Murdaugh did not transcend the most technical principle laid down by the commonwealth's attorney; not even that which requires a man to run to the wall before he can be permitted to defend himself—a principle which, in practise, is exploded in England, and never did obtain in this country at all. But, says the learned attorney, Judge Wilkinson interfered and took part before he was himself attacked: he had no right to anticipate the attack upon himself; he had no right to defend his friend; he had no right to protect his brother's life. Now, I differ from the worthy counsel on all these points: I think he had a right to prevent, by anticipating it, violence upon his person; he had a right to defend his friend, and it was his sacred duty to protect his brother's life.

Judge Wilkinson was the most obnoxious of the party; his friends were already overpowered; he could not expect to escape; and in a moment the whole force of the bandit gang would have turned upon him.

The principles of self-defense, which pervade all animated nature, and act toward life the same part that is performed by the external mechanism of the eye towards the delicate sense of vision—affording it, on the approach of danger, at the same time, warning and protection—do not require that action shall be withheld till it can be of no avail. When the rattlesnake gives warning of his fatal purpose, the wary traveler waits not for the poisonous blow, but plants upon his head his armed heel, and crushes out at once "his venom and his strength." When the hunter hears the rustling in the jungle, and beholds the large green eyes of the spotted tiger glaring upon him, he waits not for the deadly spring, but sends at once through the brain of his crouching enemy the swift and leaden death.

If war was declared against your country by an insulting foe, would you wait till your sleeping cities were wakened by the terrible music of the bursting bomb; till your green fields were trampled by the hoofs of the invader, and made red with the blood of your brethren? No! you would send forth fleets and armies—you would unloose upon the broad ocean your keen falcons—and the thunder of your guns would arouse stern echoes along the hostile coast. Yet this would be but national defense, and authorized by the same great principle of self-protection, which applies no less to individuals than to nations.

But Judge Wilkinson had no right to interfere in defense of his brother; so says the commonwealth's attorney. Go, gentlemen, and ask your mothers and sisters whether that be law. I refer you to no musty tomes, but to the living volumes of Nature. What! A man not permitted to defend his brother against conspirators, against assassins, who are crushing out the very life of their bruised and powerless victim? Why, he who would shape his conduct by such a principle does not deserve to have a brother or a friend. To fight for self is but the result of an honest instinct, which we have in common with the brutes.

To defend those who are dear to us is the highest exercise of the principle of self-defense. It nourishes all the noblest social qualities, and constitutes the germ of patriotism itself.

Why is the step of the Kentuckian free as that of the bounding deer; firm, manly, and confident as that of the McGregor when his foot was on the heather of his native hills, and his eye on the peak of Ben Lomond? It is because he feels independent and proud; independent in the knowledge of his rights, and proud in the generous consciousness of ability and courage to defend them not only in his

own person, but in the persons of those who are dear to him.

It was not the blood that would desert a brother or a friend which swelled the hearts of your fathers in the "olden time," when, in defense of those they loved, they sought the red savage through all the fastnesses of his native forest. It was not such blood that was poured out, free as a gushing torrent, upon the dark banks of the melancholy Raisin, when all Kentucky manned her warrior sires. They were as bold and true as ever fought beneath a plume. The Roncesvalles pass, when fell before the opposing lance the harnessed chivalry of Spain, looked not upon a braver or a better band.

Kentucky has no law which precludes a man from defending himself, his brother, or his friend. Better for Judge Wilkinson had he never been born, than that he should have failed in his duty on this occasion. Had he acted otherwise than he did, he would have been ruined in his own estimation, and blasted in the opinions of the world. And young Murdaugh, too; he has a mother, who is looking even now from her window, anxiously watching for her son's return—but better, both for her and him, that he should have been borne a bloody corpse to her arms than that he should have carried to her, unavenged, the degrading marks of the accursed whip.

But there was danger, as well as degradation. Their lives were in imminent hazard. Look at the cuts in Murdaugh's hat and upon his head, the stab received by the judge, and the wounds inflicted upon the doctor. Besides the overwhelming superiority in number and strength, the conspirators had very greatly the advantage in weapons. We have proven the exhibition and use, by them, of knives, dirks, a sword-cane, and a pistol, without counting the blud-

geons, which, in the hands of such men, are weapons little less deadly than the others.

Need I dwell longer upon this point? Need I say that the defendants are no murderers; that they acted in self-defense, and took life from necessity, not from malice?

But there is a murderer—and, strange to say, his name appears upon the indictment, not as criminal, but as prosecutor. His garments are wet with the blood of those upon whose death you hold this solemn inquest. Yonder he sits, allaying for a moment the hunger of that fierce vulture, conscience, by casting before it the food of pretended regret, and false but apparent eagerness for justice. He hopes to appease the manes of his slaughtered victims—victims to his falsehood and treachery—by sacrificing upon their graves a hecatomb of innocent men. By base misrepresentations of the conduct of the defendants, he induced his imprudent friends to attempt a vindication of his pretended wrongs by violence and bloodshed. His clansmen gathered at his call, and followed him for vengeance; but when the fight began, and the keen weapons clashed in the sharp conflict—where was this wordy warrior? Aye, "Where was Roderick then?" No "blast upon his bugle horn" encouraged his companions as they were laying down their lives in his quarrel; no gleam of his dagger indicated a desire to avenge their fall—with treacherous cowardice he left them to their fate; and all his vaunted courage ended in ignominious flight.

Sad and gloomy is the path that lies before him. You will in a few moments dash, untasted, from his lips the sweet cup of revenge, to quaff whose intoxicating contents he has paid a price that would have purchased the goblet of the Egyptian queen. I behold gathering around him, thick and fast, dark

and corroding cares. That face, which looks so ruddy, and even now is flushed with shame and conscious guilt, will from this day grow pale, until the craven blood shall refuse to visit his haggard cheek. In his broken and distorted sleep, his dreams will be more fearful than those of the "false, perjured Clarence"; and around his waking pillow, in the deep hour of night, will flit the ghosts of Rothwell and of Meeks, shrieking their curses in his shrinking ear.

Upon his head rests not only all the blood shed in this unfortunate strife, but also the soul-killing crime of perjury; for, surely as he lives, did the words of craft and falsehood fall from his lips ere they were hardly loosened from the holy volume. But I dismiss him, and do consign him to the furies—trusting, in all charity, that the terrible punishment he must suffer from the scorpion-lash of a guilty conscience will be considered in his last account.

Johnson and Oldham, too, are murderers at heart. But I shall make to them no appeal. There is no chord in their bosoms which can render back music to the touch of feeling. They have both perjured themselves. The former cuts up the truth as coolly as if he had been carving meat in his own stall. The latter, on the contrary, was no longer the bold and hot-blooded knight, but the shrinking, pale-faced witness. Cowering beneath your stern and indignant gaze, marked you not how "his coward lip did from its color fly," and how his quailing eye sought from floor to rafter protection from each honest glance?

JOHN C. BRECKINRIDGE.

THE BUFORD CASE.

[Extract from speech delivered at Owenton, Ky., July, 1879.]

He watches for his victim and executes his predetermined plan, and in the trustful hardihood of a nature that always despised the law and held the restraints of civil order in contempt, he tells the truth; that truth upon which you are asked to act, and by which your verdict must be dictated. And yet his counsel bear the dead body of the slain judge into this court of justice, with the ermine which he wore so stainlessly all reddened with his heart's blood, flowing from that gaping wound, and placing by this dead body the prisoner, bid you look from the torn heart of the slain to the face of the slayer, and upon your consciences declare that the hand which struck the blow was that of a madman!

With uncovered and bowed head and saddened heart, I stand by that body and appeal to you to do your duty. Make room for the stricken widow, who pleads only for the right! Kentucky comes and prays that you will do justice, justice that will be a lesson forever in her borders.

Two hundred years have passed since the life of a judge has been taken by lawless violence. Kentucky, sad in hope for her murdered sons, demands of you such an example that two hundred more years shall pass in security to all officers of the law—violated without an excuse in a law-governed state. The husband says, "I am protecting my children only through the tender mercies of its officers, whose persons must be sacred; my juries must be true to it

that our law is ample to protect my officers." I trust a brave and intelligent jury, selected from the body of an enlightened community, to remove from your verdict all pleas of sentimentality, of fine phraseology that carries evidence of insanity and remembrances of crime and one unwhipped of justice.

O, gentlemen, give us one more crowning proof that trial by jury is not a farce and sham, but that justice can be enforced by a Kentucky jury according to the law and evidence, and with a full sense of the solemn value of that duty to be performed.

This is not my voice, but that of our brother, who pleads with you by the side of this dead judge and this living prisoner. I have no right to do more than pray that God will give you strength to do your duty, your whole duty, so that in His sight you can stand upright, and if the verdict which your consciences require deprives him of life, he will owe to you what he refused before his blameless visitation, to make peace with that God who will judge each of us for the just verdict in this trial.

TOM MARSHALL.

THE MATT WARD CASE.

[Extracts from speech delivered at Elizabethtown, Ky., April, 1854.]

GENTLEMEN: In appealing to you, as the representatives of a merciful God, it appeared to me that it would have been quite enough for the gentlemen to consign the prisoner to an early and disgraceful grave in the midst of all his promise and all his hopes, without intruding such a rhetorical display upon him. It appeared to me, that after recommending him to such a grave, or, in case he should escape it, to the whips and stings of conscience on all occasions and in all climes, and to every horror that a distorted imagination has been able to depict, we might at least have been left to our fate, and spared the infliction of *such* a speech and *such* an appeal. And to crown the whole, you are gravely exhorted, out of simple mercy, to rescue us from the horrible phantoms that have been conjured up, by handing us over to the hangman!

Attention has been directed to the past life of the accused, and this traveled young gentleman is graciously informed that he may commence his travels over again. But the permission is coupled with the assurance that wherever he may go—whether he shall climb the rugged Alps and wander in the regions of Polar cold, or roam through the sunny climes of Italy and France, still every opening flower shall remind him of the flowers he has left blighted at home. Should he seek the blue ocean, we are told that each white cap will remind him of the shroud of his victim, and that in the boom of

every surge, he shall hear the rattle of the death shot.

Here follows a scathing review of the testimony throughout, and a running and witty comment on salient facts, with: "What Kentuckian will find him guilty who resented with a gross insult to his brother before a class of his peers? Would a true brother have done less? It is not my duty to stir rudely the ashes of the deceased, but I put it in all candor, *what ought he to have done?*" And so on in that daring, defiant, yet chivalrous good humor, that he swept the audience with him like leaves in the wind. Comment had been made on witness Barlow as a carpenter, and Tom Marshall replied:

Why, I always consider one *carpenter* as good as another—one brought away off from Campbell County to build a gallows to hang the prisoner on, the other to testify in his behalf! He had the right, and exercised that right of self-defense with which Nature has provided him. But what does this right mean, and how far does it extend? It confers upon me the privilege of beating off any injury or infringement upon those inherent rights with which God and Nature have provided me. It gives me the right to exercise any means, to use any amount of force that may be necessary to repel such attacks. No man has a right to take my life; I may defend it and preserve it at any cost. But this is not all; a man's rights are not confined merely to the preservation of his life. He has others, many others, guaranteed by nature, that are nearer and dearer, and which it is his privilege and his duty to protect. Without these, life itself could have no charms; and had I no other right than the simple one of existence, I would raise my own wild hand and throw back my life in the face of Heaven, as a gift unworthy of possession!

I maintain that I have as much right to defend my personal liberty as my life; but the force to be used is only that necessary to repel the attack, and to prevent injury. Were this defendant to attack me, and attempt to chastise me, I would have no right to take his life, because he is an invalid, and so far inferior to me in physical strength that I have no reason to apprehend any serious injury. But with a man of more powerful frame than myself, the case would be different. He has no right to attack me; I have a right to defend myself, and I may use just the amount of force necessary to do so. If I choose I may strike him with my fist. That would show a great deal of game; but if he were stronger than I, it would certainly tend to exasperate him, and render my chastisement six times as severe as it would otherwise have been. Perchance I may be able to seize a bludgeon, with which I can fell him to the earth, and thus protect myself. But if no such means are at hand, will any man, will any Kentuckian, tell me that I must stand and be beaten like a dog, at his discretion? Certainly not. I may repel him and defend myself in any way I can, and if nothing else will prove effectual, I have a perfect right to cut his throat from ear to ear. I may use any amount of force whatever that is necessary; and this, as I understand it, is the law on the subject, as construed, applied and executed, throughout the land. I ask you to look at the facts in this case, and apply the law to them.

Should he die for this? Does this act make it necessary for that young prisoner to be stricken from the roll of living men! Does it render him unfit to live, and a dangerous member of society?

But if you think to mitigate his punishment, will you immure him within the walls of a penitentiary? Will you cut those flowing locks—will you shave that

classic head—will you snatch him from the bosom of his loving family—tear him from the arms of his girl-wife and rudely sunder every tie that makes life dear? Will you do this and call it mercy?

As the representatives of a just and merciful God, if you feel it your solemn duty to punish him, O, let him die! Talk not of mercy, while you inflict upon him a curse for which there can be no human parallel, a punishment to which death is nothing in comparison. No, no! if you talk of mercy, show that mercy the prosecutor spoke of this morning—the mercy of the grave. O, give him liberty or give him death! But the prosecutor seemed greatly afraid of mercy, and again and again he enjoined it upon you to show none. He thought that perhaps the ALMIGHTY might possess some, but of even that he seemed to be doubtful, and he charged you to beware that not a single feather should fall from the wings of the dove, to contaminate this jury box by its presence.

For the sad event that has occurred, we feel regret—deep, lasting, bitter. If that day's act could be recalled, no man on earth would do so much to reverse it as the prisoner at the bar. We sympathize deeply with the afflicted family, and lament the occurrence that bereaved them. But we have felt, and we feel now, no such stings of conscience as have been described here. We have thrown ourselves for trial upon GOD, our Creator, and upon you, our countrymen; and we have said "Not guilty" to this indictment, because we are not guilty of the crime it charges. The awful consequences of a verdict, such as it is in your power to render, appal us with horror—but mingled with that horror there is no remorse—there are no stings of conscience. Not guilty, we say, living; not guilty, we say, dying, and *not guilty, we will ever say!*

A. H. STEPHENS.

ON THE ADMISSION OF OREGON.

[Extract from speech delivered Feb. 12, 1859, in the House of Representatives.]

WHAT is to be our future, I do not know. I have no taste for indulging in speculations about it. I would not, if I could, raise the veil that wisely conceals it from us. "Sufficient unto the day is the evil thereof," is a good precept in every thing pertaining to human action. The evil I would not anticipate; I would rather strive to prevent its coming; and one way, in my judgment, to prevent it, is, while here, in all things to do what is right and proper to be done under the constitution of the United States; nothing more, and nothing less. Our safety, as well as the prosperity of all parts of the country, so long as this government lasts, lies mainly on a strict conformity to the laws of its existence. Growth is one of these. The admission of new States is one of the objects expressly provided for. How are they to come in? With just such constitutions as the people in each may please to make for themselves, so it is republican in form. This is the ground the South has ever stood upon. Let us not abandon it now. It is founded upon a principle planted in the compact of Union itself; and more essential to us than all others besides; that is, the equality of the States, and the reserved right of the people of the respective States. By our system, each State, however great the number, has the absolute right to regulate all its internal affairs as she pleases, subject only to her

obligations under the constitution of the United States. With this limitation, the people of Massachusetts have the perfect right to do as they please upon all matters relating to their internal policy; the people of Ohio have the right to do the same; the people of Georgia the same, of California the same; and so with all the rest.

Such is the machinery of our theory of self-government by the people. This is the great novelty of our peculiar system, involving a principle unknown to the ancients, an idea never dreamed of by Aristotle or Plato. The union of several distinct, independent communities upon this basis, is a new principle in human governments. It is now a problem in experiment for the people of the Nineteenth century upon this continent to solve. As I behold its workings in the past and at the present, while I am not sanguine, yet I am hopeful of its successful solution. The most joyous feeling of my heart is the earnest hope that it will, for the future, move on as peacefully, prosperously, and brilliantly, as it has in the past. If so, then we shall exhibit a moral and political spectacle to the world something like the prophetic vision of Ezekiel, when he saw a number of distinct beings or living creatures, each with a separate and distinct organism, having the functions of life within itself, all of one external likeness, and all, at the same time, mysteriously connected with one common animating spirit pervading the whole, so that when the common spirit moved they all moved; their appearance and their work being, as it were, a wheel in the middle of a wheel; and whithersoever the common spirit went, thither the others went, all going together; and when they went, he heard the noise of their motion like the noise of great waters, as the voice of the Almighty. Should our experiment succeed, such will be our exhibition

—a machinery of government so intricate, so complicated, with so many separate and distinct parts, so many independent States, each perfect in the attributes and functions of sovereignty, within its own jurisdiction, all, nevertheless, united under the control of a common directing power for external objects and purposes, may natural enough seem novel, strange, and inexplicable to the philosophers and crowned heads of the world.

WHAT IS ALL THIS FOR?

[Extract from speech delivered by Mr. Stephens at Crawfordville, 1864.]

Mr. Stephens said that soon after the first battle of Manassas, duty called him to our camps near that point. He went over the ground on which that conflict had taken place. The evidences of the late terrible strife were still fresh and visible all around. The wide-spread desolation, the new-made graves, and the putrid animal remains not yet removed by the vultures, fully attested what a scene of blood it had been. While surveying the hills and defiles over which the various columns of our men and the enemy passed and were engaged on that memorable day, amongst many other things, that crowded themselves upon his mind, were two dying expressions reported to have been uttered in the midst of the battle. One was by a soldier on the side of the enemy, who, fallen and weltering in his blood, exclaimed, "My God! what is all this for?" The other was by the lamented Bartow, who said, "Boys, they have killed me, but never give it up." These two exclamations were made at no great distance apart, and perhaps near the same time.

"What is all this for?" Mr. Stephens said he could but think the question was pertinent to both sides, and most pertinent from him who uttered it, addressed to all his invading comrades and those who sent them. Well might he there, in the agonies of death, in the din and dust of strife, in the clangor of arms and the thunder of artillery, ask, "What is all this for?" Why this array of armies? Why this fierce meeting in mortal combat? What is all this carnage and slaughter for? The same question is still pertinent to those who are waging this war against us, as it was then. Why the prolongation of this conflict? Why this immense sacrifice of life in camp, and the numerous battles that have been fought since? Why this lamentation and mourning going up from almost every house and family from Maine to the Rio Grande, and from the Atlantic and Gulf to the lakes, for friends and dear ones who have fallen by disease and violence in this unparalleled struggle? The question, if replied to by the North, can have but one true answer. What is all this for on their part, but to overturn the principle upon which their own government, as well as ours, is based—to reverse the doctrine that governments derive their "just powers from the consent of the governed?" What is it for but to overturn the principles and practice of their own government from the beginning. That government was founded and based upon the political axiom that all States and people have the inalienable right to change their forms of government at will.

This principle was acted on in the recognition by the United States of the South American republics. It was the principle acted on in the recognition of Mexico. It was acted on in the struggle of Greece, to overthrow the Ottoman rule. On that question the greatest constitutional expounder of the North,

Mr. Webster, gained his first laurels as an American statesman. This principle was acted on in the recognition of the government of Louis Phillippe, on the overthrow of Charles X. of France, and again in the recognition of the Lamartine government on the overthrow of Louis Phillippe in 1848. At that time every man at the North in Congress, save one, Mr. Stephens believed, voted for the principle. The same principle was again acted upon without dissent in 1852, in the recognition of the government of Louis Napoleon. The same principle was acted upon in the recognition of Texas, when she seceded or withdrew from the government of Mexico.

Many at the North opposed the admission of Texas, as a State in our then Union. But there was little, if any, opposition to her recognition as an independent outside republic. Strange to say, many of those who were then fiercest in their opposition to Texas coming into the Union, are now the fiercest in their denial of the unquestioned right acknowledged to her before. Well may any and every one, North or South, exclaim, what is all this for? What have we done to the North? When have we ever wronged them? We quit them, it is true, as our ancestors and their ancestors quit the British government. We quit as they quit, upon a question of constitutional right. That question they determined for themselves, and we have but done the same. What, therefore, is all this for? Why this war on their part against the uniform principles and practices of their own government? There is but one plausible pretext for it; that is to exterminate our southern institutions. It is to put the African on an equality with the white man. It is to conquer and subjugate independent and sovereign States, who deny their authority rightfully to rule over them. It

is a war, in short, on their part, against right, against reason, against justice, against nature.

If asked, on our side, what is all this for? The reply from every breast is, that it is for home, for our firesides, for our altars, for our birthrights, for property, for honor, for life—in a word, for everything for which freemen should live, and for which all deserving to be freemen should be willing, if need be, to die.

On the present condition and prospect of our affairs, Mr. Stephens said he had nothing new to say, and nothing that was not known to all. From the past we had nothing to be discouraged for the future. We had met some reverses, but of eighteen months' fighting, we had lost no great battle. We had gained many brilliant victories. The aggregate of advantage of the fight on land thus far had been decidedly on our side. This was no small consideration for hope and encouragement, looking at the odds against us. At the beginning the enemy had all the army, all the navy, all the revenue, all the credit, as well as the prestige of the name of the old government, on their side. We were few in number compared with them; without a regiment or a ship, without a dollar, and without credit except such as the righteousness of our cause inspired in the breasts of our own people secured. Thus we entered the contest, and thus we have maintained it. At first 75,000 men were thought sufficient to conquer us. This failing, 600,000 were called to the field. These, too, failing, 600,000 were called to the field. These, too, failing, 600,000 more have been added, with a view to crush us out with numbers. Judging from indications, the enemy seem determined to put forth all their power. This is the present prospect. We should be prepared to meet it to the best of our ability. No one should despair or even despond

from this array of new forces to be brought against us. We may not be able to match them in numbers. We are not able to do it, and should not attempt it. It is not necessary to do it, to secure ultimate success, if we avail ourselves of our advantages properly and wisely. Numbers is one advantage the enemy has, and had from the beginning. We have advantages on our side which we should avail ourselves of. Frederick of Prussia fought all the great neighboring powers of Europe for seven years and was successful in the end. The greatest number he could bring into the field was 200,000 against 600,000. With this disparity of three to one, they thought they could crush him, but they did not. It is true his country was overrun, and his capital, Berlin, was twice taken and sacked during the war. He, however, did not give it up. Richmond has not yet been taken, though three powerful onward movements have been made against it. If Richmond should yet fall, and twice fall, we should be no worse off than Prussia was in a like calamity; nor should we be less disposed than the great Frederick to give it up for a like cause.

The war of our first independence lasted seven years. During that struggle, several of the states were overrun, occupied and held for long periods by the enemy. The men of that "day that tried men's souls" felt no inclination, on that account, to "give it up." Philadelphia, their capital, was taken, but they did not "give it up," or think of giving up the cause. They fought on, as we can, for the same principles and rights, until final success. Nor have our suffering or sacrifices, as great as they are, been anything like as severe as theirs were. If they suffered and bore with patience and fortitude all they did to acquire and establish principles so dear to them and to us, well may we, with equal patience and

fortitude, bear all now upon us, and all that may hereafter await us, to maintain them.

The ability of a people to support and wage war depends partly upon their resources, and partly upon the skill and economy with which they are wielded. We have resources—elements of power to wage war successfully, unknown to Frederick or the men of '76. All necessaries of life, food and clothing, with the materials and munitions of war, can, with skill and forecast, be made and supplied within ourselves. This goodly land of ours is unequalled, or at least unsurpassed by any other part of the habitable globe in the character and variety of its natural products, suited to man's needs and wants in every emergency. Its mineral resources are also inexhaustible. It is a land well worth fighting for. Our means are sufficient; they have only to be properly and skillfully developed and applied.

But besides the products necessary to sustain ourselves, to support our armies, and carry on war, we have another element of tremendous power, if properly used and applied—a resource and power unknown in European wars and unknown to our ancestors in the war of their revolution. Mr. Stephens here said he alluded to our great staple, cotton; and he should not have said more upon it at this time, than barely to ask those present to call to their minds what he had said to most of them last year upon that subject, when he addressed them upon the cotton loan, but for some misconceptions that had got in the public mind from a paragraphic report of some remarks he made at a meeting lately in Sparta. Some, from that report, said Mr. Stephens, have taken the idea that I urged upon the planters there, to plant largely of cotton next year. Allow me in this connection to say, that nothing could be further from the fact. I urged

upon the planters there, first and above all, to grow grain and stock for home consumption and to supply the army. What I said at Sparta upon the subject of cotton, many of you have often heard me say in private conversation, and most of you, in the public speech last year, to which I alluded. Cotton, I have maintained, and do maintain, is one of the greatest elements of power, if not the greatest at our command, if it were but properly and efficiently used as it might have been and still might be. Sampson's strength was in his locks. Our strength is in our locks—not of hair or wool, but in our locks of cotton. I believed from the beginning that the enemy would inflict upon us more serious injury by the blockade than by all other means combined. It was, in the judgment of all, a matter of the utmost, if not vital importance to have it raised, removed or broken up. How was it to be done? That was and is the question. It was thought by many that such was the demand for cotton in England that she would disregard the blockade, as it was, and has been all along, not within the terms of the Paris agreement, that is, has not been, at any time, entirely effectual, though close enough to do us great injury. I did not concur in this opinion, as most of you well know. I thought it would have to be done by ourselves, and could be done through the agency of cotton—not as a political, but as a commercial and financial power. I was in favor, as you know, of the government's taking all the cotton that would be subscribed for 8 per cent. bonds at a rate or price as high as ten cents a pound. Two millions of the last year's crop might have been counted upon as certain on this plan. This, at ten cents, with bags of the average commercial weight, would have cost the government one hundred millions of bonds. With this amount of cotton in hand and

pledged, any number, short of fifty, of the best iron-clad steamers could have been contracted for and built in Europe—steamers at the cost of two millions each could be procured every way equal to the Monitor. Thirty millions would have got fifteen of these, which might have been enough for our purpose. Five might have been ready by the first of January last to open some one of the ports blockaded on our coast. Three of these could have been left to keep the port open, and two could have convoyed the cotton across the water if necessary. Thus, the debt could have been promptly paid with cotton at a higher price than it cost, and a channel of trade kept open till others, and as many more as necessary, might have been built and paid for in the same way. At a cost of less than one month's present expenditure on our army, our coast might have been cleared. Besides this, at least two millions of bales of the old crop on hand might have been counted on—this with the other making a debt in round numbers to the planters of $200,000,000. But this cotton, held in Europe until its price shall be fifty cents a pound, would constitute a fund of at least $1,000,000,000, which would not only have kept our finances in sound condition, but the clear profit of $800,000,000 would have met the entire expenses of the war for years to come.

JEFFERSON DAVIS.

FAREWELL ADDRESS TO THE SENATE.

[Speech on retiring from the United States Senate, Jan. 21, 1861.]

I RISE, Mr. President, for the purpose of announcing to the senate that I have satisfactory evidence that the state of Mississippi, by a solemn ordinance of her people in convention assembled, has declared her separation from the United States. Under these circumstances, of course, my functions are terminated here. It has seemed to me proper, however, that I should appear in the senate to announce that fact to my associates, and I will say but very little more. The occasion does not invite me to go into argument, and my physical condition would not permit me to do so if it were otherwise; and yet it seems to become me to say something on the part of the state I here represent, on an occasion so solemn as this. It is known to senators who have served with me here that I have for many years advocated, as an essential attribute of state sovereignty, the right of a state to secede from the Union. Therefore, if I had not believed there was justifiable cause; if I had thought that Mississippi was acting without sufficient provocation, or without an existing necessity, I should still, under my theory of the government, because of my allegiance to the state of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken, counseled them then that if the state of things which they apprehended should exist when the convention

met, they should take the action which they have now adopted.

I hope none who hear me will confound this expression of mine with the advocacy of the right of a state to remain in the Union and to disregard its constitutional obligations by the nullification of the law. Such is not my theory. Nullification and secession, so often confounded, are indeed antagonistic principles. Nullification is a remedy which it is sought to apply within the Union and against the agents of the states. It is only to be justified when the agent has violated his constitutional obligation, and a state, assuming to judge for itself, denies the right of the agent thus to act, and appeals to the other states of the Union for a decision; but when the states themselves, and when the people of the states have so acted as to convince us that they will not regard our constitutional rights, then, and then for the first time, arises the doctrine of secession in its practical application.

A great man, who now reposes with his fathers, and who has been often arraigned for a want of fealty to the Union, advocated the doctrine of nullification because it preserved the Union. It was because of his deep-seated attachment to the Union, his determination to find some remedy for existing ills short of the severance of the ties which bound South Carolina to the other states, that Mr. Calhoun advocated the doctrine of nullification, which he proclaimed to be peaceful, to be within the limits of state power, not to disturb the Union, but only to be a means of bringing the agent before the tribunal of the states for their judgment. Secession belongs to a different class of remedies. It is to be justified upon the basis that the states are sovereign. There was a time when none denied it. I hope the time may come again when a better comprehension of the theory of our government and the inalienable rights

of the people of the states will prevent anyone from denying that each state is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

I therefore say I concur in the action of the people of Mississippi, believing it to be necessary and proper, and should have been bound by their action if my belief had been otherwise; and this brings me at the important point which I wish, on this last occasion, to present to the senate. It is by this confounding of nullification and secession that the name of a great man, whose ashes now mingle with his mother earth, has been invoked to justify coercion against a seceding state. The phrase "to execute the laws" was an expression which General Jackson applied to the case of a state refusing to obey the laws while yet a member of the Union. That is not the case which is now presented. The laws are to be executed over the United States, and upon the people of the United States. They have no relation with any foreign country. It is a perversion of terms; at least, it is a great misapprehension of the case, which cites that expression for application to a state which has withdrawn from the Union. You may make war on a foreign state. If it be the purpose of gentlemen, they may make war against a state which has withdrawn from the Union; but there are no laws of the United States to be executed within the limits of a seceded state. A state finding herself in the condition in which Mississippi has judged she is, in which her safety requires that she should provide for the maintenance of her rights out of the Union, surrenders all the benefits (and they are known to be many), deprives herself of the advantages (they are known to be great), severs all the ties of affection (and they are close and enduring), which have bound her to the Union; and thus di-

vesting herself of every benefit, taking upon herself every burden, she claims to be exempt from any power to execute the laws of the United States within her limits.

I well remember an occasion when Massachusetts was arraigned before the bar of the senate, and when then the doctrine of coercion was rife, and to be applied against her because of the rescue of a fugitive slave in Boston. My opinion then was the same as it is now. Not in the spirit of egotism, but to show that I am not influenced in my opinion because the case is my own, I refer to that time and that occasion as containing the opinion which I then entertained, and on which my present conduct is based. I then said, if Massachusetts, following her through a stated line of conduct, chooses to take the last step which separates her from the Union, it is her right to go, and I will neither vote one dollar nor one man to coerce her back, but will say to her, "God speed," in memory of the kind associations which once existed between her and the other states. It has been a conviction of pressing necessity, it has been a belief that we are to be deprived in the Union of the rights which our fathers bequeathed to us, which has brought Mississippi into her present decision. She has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack on her social institutions; and the sacred Declaration of Independence has been invoked to maintain the position of the equality of the races. That Declaration of Independence is to be construed by the circumstances and purposes for which it was made. The communities were declaring their independences; the people of those communities were asserting that no man was born—to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of the political community; that

there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power and place descended to families, but that all stations were equally within the grasp of each member of the body politic. These were the great principles they announced; these were the purposes for which they made their declaration; these were the ends to which their enunciation was directed. They have no reference to the slave; else, how happened it that among the items of arraignment made against George III. was that he endeavored to do just what the North has been endeavoring of late to do—to stir up insurrection among our slaves? Had the Declaration announced that the negroes were free and equal, how was it the prince was to be arraigned for stirring up insurrection among them? And how was this to be enumerated among the high crimes which caused the colonies to sever their connection with the mother country? When our constitution was formed, the same idea was rendered more palpable, for there we find provision made for that very class of persons as property; they were not put upon the footing of equality with white men —not even upon that of paupers and convicts, but so far as representation was concerned, were discriminated against as a lower caste. * * * * *

Then, senators, we recur to the principles upon which our government was founded; and when you deny them, and when you deny the right to us to withdraw from a government which, thus perverted, threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence and take the hazard. This is done, not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit, but from a high and solemn motive of defending and protecting the rights we inherited, and which it is our duty to transmit unshorn to our children.

I find in myself, perhaps, a type of the general feeling of my constituents towards yours. I am sure I feel no hostility to you, senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, "I wish you well," and as such, I am sure, is the feeling of the people whom I represent towards those whom you represent. I therefore feel that I but express their desire when I say I hope and they hope for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country; and if you will have it thus, we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear, and thus, putting our trust in God, and to our firm hearts and strong arms, we will vindicate the right as best we may.

In the course of my service here, associated at different times with a great variety of senators, I see now around me some with whom I have served long; there have been points of collision, but whatever of offense there has been to me I leave here; I carry with me no hostile remembrance. Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, senators, in this hour of our parting, to offer you an apology for any harm which, in the heat of discussion, I have inflicted. I go hence unencumbered of any injury received, and having discharged the duty of making the only reparation in my power for any injury offered.

Mr. President and senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu.

WILLIAM C. P. BRECKINRIDGE.

WHO WERE THE CONFEDERATE DEAD?

[An extract from a speech delivered at the unveiling ceremonies of the Confederate Monument at Hopkinsville, Ky., May 19, 1887.]

My Countrymen:

Who were these men over whom this stately memorial, with its admiring inscriptions and loving praise, has been created? Here lie one hundred and one dead, of whom this silent but imposing witness testifies that in their graves "is buried all of heroism that can die"; concerning whom it is engraved on granite "that while martyrs for conscience's sake are respected, their valor and devotion will be admired by the good and the brave," whose very dust is averred in enduring stone as "sacred dust," and yet they are "unknown" men. As we study these inscriptions in our endeavor to understand why this monument was erected and this vast crowd has assembled to do honor to these "unknown" dead, we read, "Confederate dead, belonging to the First Mississippi Regiment, Third Mississippi Regiment, Seventh Texas, Eighth Kentucky, Forrest's Cavalry, Woodward's Kentucky Cavalry, Green's Kentucky Battery," and that this monument is erected at the place of his birth by a surviving comrade " to commemorate the virtue of the Confederate dead."

This, then, is the cause and this the defense of this monument and of this ceremonial; a Confederate whom God has prospered thinks it an honor to his native town to make it the perpetual witness to the honor of the Confederate dead, and this great crowd

of freemen, gathered from so many sections, these reverend and distinguished guests, these venerable fathers, and this throng of fair women, by their presence approve the generous act. And is it so that on the bosom of this beloved commonwealth, in one of the fairest sections of this imperial republic, fathers and mothers approvingly testify to that new and splendid generation which is pushing us off our seats of power that it is a praiseworthy deed to do honor to the memory of the Confederate dead? Let us not this day disguise this question to our hearts or consciences; we must answer it at the bar of "posterity" and submit to the verdict that the august tribunal of its enlightened public opinion will then render. When this generation has finally passed away, and its deeds are weighed by those who will be our judges, be assured that we will receive some judgment for this scene and its evident meaning.

Those judges will repeat my question: Who were the Confederate dead that to them such honor should be paid?

How joyously can these queries be partly answered—they were soldiers and heroes!

A peaceful and pastoral people, suddenly called to war, found themselves without arms, without ships, without factories where any part of a warlike arm or its ammunition could be made, without an army, without a treasury, and without a government. They were five millions of free whites, with a black slave population of four millions in their midst. Confronted by twenty millions of the most warlike people in the world, bone of their bone, rich in every material, with the trained nucleus of a superb army, with unlimited credit and unparalleled resources, an equipped navy and an old government, this pastoral people organized an army larger in the aggregate than the whole number of its adult free males, cap-

tured in the main its arms and military supplies, improvised a government, and for four years faced armies which in number, equipment, resources and facilities the world has never seen equaled.

During these four years, in this terrific and unequal strife, these dead have fallen. They had come from the plow and the desk, the plane and the office, the beautiful valley farm and the outstretching plantation, of every age and rank and vocation, and given their lives, all they had, to this unparalleled struggle. Heroes, indeed, were they who fell where Sidney Johnson died, who crowned Jackson with immortality, followed Lee with intelligent faith, made Chickamauga run red with fraternal blood, rode with Morgan, shared in the victories of Forrest, died on the picket-post, or went to God from prison bunk or scaffold.

With scant rations and scantier clothing; with inferior numbers, always relatively decreasing; with the circle of ever-increasing foes narrowing upon them, homes lost to many, their lands devastated by the severest rigors of internecine war; with wondrous victories bearing no fruit; with loved ones homeless and dependent on the straitened for daily bread; with a future all dark and uncertain, these men never faltered—they died. And to those distant queries we can proudly answer: These men were heroes.

But is this all the answer we can make at that illustrious bar? Who were these Confederates? They were American citizens of the Southern states of the American republic.

That great Teutonic race which sets limits to the growth of the Roman Empire had worked out a noble development in the British Isles. There is a fixed, though obscure, relation between a people and its institutions, and a certain, though often imperceptible

tible, progress in the development of each, and they mutually affect each other. Noble races unconsciously develop noble institutions; noble institutions produce noble races; and this upward growth must be difficult, slow, and, alas! has always been bloody, and out of these conflicts emerge a better people and wider institutions.

And for seven centuries this race from which we sprang had grown from soil the richest under the stars with the blood of martyrs and heroes. The luminous track of British history shines resplendent with the reddest blood, and the most precious milestones, which indicate the progress of our ancestors, are the scaffolds where the martyrs died or the poles on which the severed heads of the traitors were lifted up.

And so, from age to age, every age having its own "Lost Cause" and meeting apparently its fatal repulse, the ceaseless struggle went on with constant success. The conquering Norman gradually became Englishmen, the parliament became free, even though the dead Cromwell hang in chains and "Charles came to his own." The colonist brought here with him certain rights, but much more he was a Briton freeman. He was as much the product of these ages and these struggles as the institutions of which he was inheritor. And so here the development continued. These colonies were British, not French nor Spaniard, and this one fact, this controlling fact, determined the line of development.

These colonists brought with them inherent, inalienable rights as men; immemorial and constitutional rights as Britons; chartered rights as new colonists under royal grants or charters, and they grew with their new life into larger desires; the colonies became states, the colonists American citizens. Thus came into being American institutions.

Thus, free and law-loving, these colonists were separated into thirteen independent states when the problem of forming their government was by destiny presented to them.

Society organized into government can make law —that is, legislate; declare what the law is, adjudicate; enforce the law, execute. Once all these functions were exercised by one body of magistracy, often by a single person; gradually the magistracies became separate, the law-making department becoming a parliament, the law-declaring an independent judiciary, the law-executing the executive. This was the form in the main in which our colonial governments were when we won our independence. And as all powers exercised by either of these departments are delegated powers, delegated in thought by the people constituting that organism we call a "state," and as the officers required to discharge the duties thus imposed by the state are representatives of the sovereign power residing in the body of the people, some mode of defining, prescribing and limiting these powers and of selecting these public servants had to be agreed upon. But in the main, this had also been the growth of years; legislative bodies chosen by suffrage; executives directly or indirectly so chosen; judges selected by the executives and confirmed by some selected representative body. So the task of adapting a government of the state to the new and free order was not very difficult, and the mistakes were easily remedied and were not fatal. And in every constitution was inserted the fundamental conception that those powers were granted powers; that this government found its only warrant in the consent of the governed, and the power of alteration was expressly reserved.

These written constitutions were a new contribution by America to political science and to the muni-

ments of freedom. They have been confounded with such acts as the Magna Charta, as royal charters by king or emperor, as the Bill of Rights by Parliament. They are generically and radically different.

The Magna Charta is a solemn claim by English barons of what were English liberties, and a solemn acknowledgment by king that the claim was well founded and should be respected. Royal charters and grants were gracious privileges of franchises or gifts from a sovereign of his own will to subjects. Bills of Rights by Parliament were legislative declarations of the existing political rights. But these American constitutions are the solemmn act of the sovereign people establishing a form of government, delegating to its officers the prescribed powers, limiting the modes of their exercise, ordering the mode of selection and tenure of office, and placing on itself the agreed limitations. They were without precedent in history and without parallel.

There were certain purposes that our fathers had concerning which there can be no doubt. The first was to preserve the liberty of the citizens; this is the very cause of the formation of all governments by the free. Then to preserve the integrity and independence of the states. To accomplish these purposes, it was necessary that there should be strength, power, wealth; and to secure these there must be union, such union as secured to each the power of all and freed each from danger of offense by any American state. So that the problem was: How can these thirteen states of one people be so united as to preserve the liberty of the citizen and the integrity of the state, secure the country from foreign foe and each state from attack from ambitious American states, and guarantee the quickest and most solid growth in power and wealth? The Federal constitution is the answer our fathers gave to that problem,

and an immortal answer they made. It was a compromise and must be construed as a compromise. There were numerous incidental but grave questions. It was an immense territory for which they were legislating.

On an evil day a cargo of Africans were sold into slavery, then universally recognized as legal and humane, for the individual slavery of the black was held to be a distinct conception from the political freedom of the citizen and the national independence of a country. Other cargoes came. The prolific and docile race increased rapidly in number and more rapidly in value. In a new country labor is more valuable. When new land is to be reduced to tillage, and its value is enormously increased by the mere act of preparing it for home and tillage, discipline and control is extremely valuable. For climatic and economical reasons these slaves were generally concentrated within the Southern states by purchase, and that purchase mainly from the citizens of the Northern states. These slaves were black, and there is no people with such race prejudices as this English-speaking race. They hold tenaciously to the belief that man is of one race, but they have held their own blood pure from all intermixture with the colored races. There has been revealed no stronger nor more intense passion for race purity by this colonizing and dominating people. Neither in Asia nor Africa nor America has it consented to either marital intermixture or political partnership with any other than a white race. But while this was true, it was also true that slavery became one of the institutions of these Southern states. Slavery did represent so much money, but it represented very much more. It became interwoven into the social fabric of the state in a way now hard to explain. It undoubtedly influenced the civilization and devel-

opment of those states. It dignified color so that to be a white man was a tie that every other white man recognized. It made race and color, not condition and wealth, the distinction. It gave habits of domination and caused a form of pastoral life that was peculiar and influential. If the slave had been white, the problem had been easy of solution; had the number been small, there could have been found an easy remedy; had the number actually in America been evenly distributed through all the states, there would have been no danger; however, it had to be managed as it was, and one of the compromises of the constitution was concerning this institution. When the constitution went into effect, and the first Congress thereunder organized, the experiment of American liberty was fairly commenced.

With equal strides the North and the South grew. The "South," comprising the fifteen states of Delaware, Virginia, Maryland, Kentucky, Tennessee, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Missouri, and Texas, had increased absolutely with immense strides, but relatively they had not kept pace with the North and the Northwest; and it had been found that the institution of slavery could be confined within the limits of those states. That institution was protected by the provisions of the constitution and by the sovereignty of each state, if that sovereignty was recognized and could be maintained. Those states were in the main agricultural; in religion, believing; in life, simple; in manners, cordial.

In these states were born, from these people sprang, under these institutions were fostered, amid such scenes grew up these Confederate dead. They were the descendants of the men who made England a commonwealth, preserved the freedom of Scotland, ceaselessly protested against the servitude of Ire-

land; their sires had colonized America, conquered the French at Quebec, driven the Indian inward; their grandfathers sat in the Continental Congress, served with Washington, conquered at King's Mountain; their fathers were with Perry at Erie, or with Jackson at New Orleans; their elder brothers fell at Buena Vista, or received the surrender at Mexico.

The Confederate armies were equal to their ancestors; with equal courage, and perhaps greater skill, they faced more tremendous odds and had a sadder fortune. Who can adequately represent in language that host and the four years of its struggles and sacrifices?

In the long and glorious procession of armies which have been used by the subtile forces which raise and move armies in the development of man, none need be ashamed of the companionship of these defeated and surrendered men. We can with proud confidence leave their glory to the history and trust their deeds to fame; and as the story of those years is more accurately told, as the cost of their defeat more fully understood, and their achievements better known, all who love heroic virtues and are inspired with lofty purposes will revere the memories of that immortal array.

These one hundred and one unknown dead constituted a part of that illustrious army and bore their full share in its labors and dangers. Obscure, perhaps, and in the simple vocation of peaceful life, they followed where duty led, and died where honor ordered; and reverently, but proudly, we dedicate this memorial to these heroes who lie here, and to all their comrades wherever they rest waiting for the resurrection morning; and then we lift up our faces with inexpressible pride and claim these men as our comrades, and challenge that questioning posterity in its days of peril and disaster to match them.

These dead were from the same state; this monument reveals that they were from Texas, Mississippi, Tennessee (for Forrest's cavalry was a Tennessee battalion originally, and Woodward's Kentucky cavalry had Tennessee companies in it), and Kentucky.

* * * * *

My comrades, we gave the services of our young manhood to that cause in violation of the command of our mother—Kentucky. Our Kentucky, beloved mistress of our hearts, refused to secede from the Union; and yet we turned our steps southward and drew our arms to follow where Lee or other leaders ordered. Kentucky did not call us by the voice of a sovereign convention, or the order of her governor, or the act of her legislature, to enter that service. Nay! for our service her legislature expatriated us, declaring by solemn act that we were no more worthy to be her sons; her grand juries indicted us for treason, and warrants of arrest were issued for our apprehension, as if we had been felons. Were Breckinridge and Buckner, and Preston, Hanson and Morgan and Helm, indeed, without excuse in thus entering the Confederate service and tempting the ingenuous youth who had followed them to form battalions, regiments and brigades, on whose tattered banners glory abided, whose charge gave victory, whose presence forbade panic? We loved Kentucky; she was worthy of our love. The physical gifts which make her beautiful among the daughters of the nations were not equal to the heroic actions of her sons and the exquisite graces of her daughters. Fairest among ten thousand and altogether lovely was she to our young and bounding love. Historic memories clustered about here, and every valley and mountain side held the graves of heroes, while from every brook and crystal stream ascended melodious anthems to the brave and good whose lives

had sanctified their banks. We, too, loved that old Union of the states, of which we proudly claimed Kentucky was the heart. At home and abroad our fathers had made it famous. For it Kentuckians had won the mighty Mississippi and secured the outreaching empire westward to the Rocky Mountains; for it Kentuckians fell at the river Raisin, drove Tecumseh to his death at the Thames, and charged at the plain of Chalmette; for it McRee and Clay died at Buena Vista, and their kinsmen from Vera Cruz to Mexico; for it Clay taught America the subtile power of compromise, the potent influence of concession; and for it the love of all who love mankind and the prayers of all who loved God went out in sweet and pious accord.

We did not fight to defend our homes and our hearthstones. Mothers and wives and children were not behind us as we stood facing the foe. We were not ramparts of fire between an advancing enemy and the swelling plains and busy towns of our people. No inspiriting crowd, no beating drum and piercing fife, no patriotic sweetheart, no overwhelming pressure of public opinion forced us to recruit. In squads, by twos or fours or alone; in the nighttime, by by-ways and through the woods, leaving all that was dearest behind, we found our way to where we could be mustered into the Confederate service. As a rule, each man rode his own horse, or paid his own way, and provided his own arms and outfit.

It is one of the most striking and picturesque of the many attractive studies of the late war, the formation of the Kentucky regiments of the Confederate army. Where the first Kentucky in Virginia met and organized, Camp Boone in Tennessee, Camp Charity where Morgan rested, the rendezvous where Marshall and Williams gathered their soldiers, here and there a church or cross-roads where a company

organized or the neighbor boys met and rode out together, these will never cease to be "hallowed ground," for here "majestic men, whose deeds have dazzled faith," entered on a heroic struggle for true constitutional liberty, for that liberty which no other basis for a government than the consent of the governed, and is convinced that the conquest of any one state of a Federal Union involves the right to destroy all the states.

We were not fighting a personal fight; we were not moved by the spirit of spite or anger or revenge. It was with unfeigned sadness, with a sorrow too deep for expression, that we entered into the war, and only because we could not keep a good conscience otherwise; and we were, as we believed, fighting the battle of the North as of the South, the battle of the free of all nations and ages.

The war resulted in the overwhelming defeat of the "South"—its complete conquest. It was fought out to the end, and at that end the "South" was prostrate, and the institution of slavery destroyed; and to the thoughtful it was also certain that liberation would be followed by enfranchisement.

The poverty of the Southern states at the close of the war was appalling; the desolation beyond description. Every form of accumulated capital had been swept away; every corporate institution hopelessly bankrupt; every state deeply in debt, and the amount of private indebtedness beyond all hope of payment.

A beggared people, indeed, were they. Fences all gone, work stock nearly so, fields in briars, many houses burnt, no money, no credit, no provisions, no implements of industry, not even seed for harvest. The negro free; the white adult a paroled soldier or an aged man, frequently a disabled and wounded man; and in many families only widows, orphan

maidens and fatherless children; without political privileges, and with the prospect of a chaotic and harsh period of unstable and doubtful rule; the states without recognized governments, and the relations of the races, of the citizens, and of the states to the Federal government in grave dispute and doubt. It was, indeed, a sad and desolate picture!

But all was not lost; far from it. God, the future, and manhood remained, and these contain all the possibilities of success.

There was no alternative left to that people but a stern and resolute struggle for bread, and then for the recovery of political liberty. The war had legislated; it had in a new sense made one the United States; the destiny of the nation was involved, the destiny of every section and all citizens; one country, one flag, one destiny was the flat of this tribunal, and the future of the South was indissolubly interwoven with that of the Union. In that Union, under that government, however modified by the events of those years, must these Southern states work out their restoration. Within the limitations imposed by that government, and by their actual condition, must they make their recovery. Without repining, with no unmanly cringing, no pretense of repentance or remorse; aye, proud of their dead comrades and conscious of their own rectitude and heroism, they turned their faces to the future, put their trust anew in God, and went to work. It was a pathetic but glorious spectacle, that conquered and beggared people, amid the ruins of the states and the destruction of the hopes, surrounded by the graves of their beloved slain, and in the depths of poverty, intensely at work for daily bread, and resolutely set on doing the best possible under the circumstances encompassing them.

It was ordained that the experiment of American

liberty should be tried under one Union, without slavery, and with the enfranchised negro; and with one heart the "South" went to work to perform with absolute fidelity her part of this mighty enterprise. And her people in their desolation never despaired. It was not what they yearned for, but it was worth every labor and all sacrifices. The land was infinitely more precious for the very blood, shed as if in vain. The spots now hallowed were dearer than all the land had been before. The precious landscapes, where new graves sanctified fields with new but now immortal names, were more exquisite to their hearts than any had ever been in days of yore.

There were never better soldiers, never so good armies as the American of that unhappy war, and this all soldiers of either army accord with admiration to the soldiers of the other army. Here, at least, there was cause for universal commendation. As Americans, all could be proud of the American soldier. Lee might be a traitor, but he was a great captain and a pure gentleman; Jackson a rebel, but he was also a Christian soldier of superb gifts and stainless life, and his "foot cavalry" was never surpassed in march or charge or retreat, and in their hearts every Northern soldier was proud that his Southern brethren were of such stuff. Indeed, every monument erected to a Federal soldier is also a monument to commemorate the skill, the courage, the heroism of the Confederate, for it is because of triumph over such soldiers that these monuments are erected.

So, too, we have given without scant measure our meed of praise to those who withstood the charge of serried array, or who broke in irrestible might over our trenches; to those who held the heights of Gettysburg against Lee and Longstreet, and drove Pickett back from his wondrous charge; who held

Franklin in spite of Hood and Cleburne; to Thomas, who stood so firm at Chickamauga; and Sherman, who marched from Dalton to the sea; to the silent and placable Grant, who compelled Donelson, Vicksburg, and Richmond to acknowledge his power, and who gave generous terms to Lee, and, with proud honesty, demanded that the terms be respected. Honor alike to his prowess as a soldier and his honor as a conqueror.

And year by year this will grow. Long ago, in this same beautiful month of May, standing by the Confederate graves in that dear cemetery which lies adjacent to my own beloved city, in the presence of those who loved their dead and were there to honor their memory by strewing the first flowers of spring over their graves, I said:

"In the presence of this sad assemblage, in the presence of the dead, in the sight of God, I feel that it would be sacrilege to utter one word that is not in every sense true. With this solemn thought pressing upon me, I believe that I utter the sentiment of those who hear me when I say that we trust the day may come when such peace will bless our land that all the living will lovingly do honor to all the dead. We are all Americans; we are citizens of a common country in whose destinies are involved the destinies of our children. Around us in this cemetery lie buried the dead of all. On that resurrection morn all will rise, side by side, to meet Him who died for all. Religion, patriotism, the love we bear our children, alike appeal with eloquent earnestness for the return of good feeling and brotherly love."

At the foot of this stately monument of granite, this stone hewn from the mountains of Maine, now planted in the heart of Kentucky in honor of soldiers

from states so distant as Texas, we pray God to grant that in that ceaseless contest our children may be as heroic, as enduring, as pure as these unknown dead, ready to live for the right; willing, if need be, to die for the right, as God gives it to them to see the right.

I crave pardon for a single personal allusion. Some of these dead were of "Woodward's Kentucky Cavalry," with which battalion I served in the same brigade from September, 1863, until the end of the war, and which, from October, 1864, until May, 1865, served under my command.

Its commanders, Colonel Woodward and Major Lewis, its officers and men were therefore well known to me. It cannot add to their reputation that I should praise them, but it is to me a sincere gratification to have opportunity to testify to my appreciation of all soldiery qualities by declaring my love for and admiration of them. It was, indeed, a superb body of men, with a proud and glorious record. Trusted by Forrest, that Wizard of the Saddle, they were worthy of him and his confidences. I bow my uncovered head in reverent honor to the heroic dead of that beloved command, and with gratitude and friendship, undimmed by the lapse of twenty-two years, I hail with proud comradeship its no less heroic living.

On this monument these heroes are called "unknown," and is this so? In the twenty-five years since they were buried here, the evidence of their names has been lost, and to-day we know not by what names they were known. In that sense they are unknown; but their names are not lost. On the muster-rolls of their commands their honored names remain; on the hearts of those who loved them and mourned

for them their precious names are engraven; on God's roll on high their names are radiant. We cannot repeat their names; we can honor their memories; we can reverence their deeds; we can emulate their virtues; we can commemorate their deaths.

On this gentle ascent stand, thou silent witness, and testify to all who come to this sacred place—here in the awful presence of the buried dead, in the tearful sight of the recurring visitations on the sad errand of burial, in the august presence of an everliving God—that to lofty virtues, sanctified by death, and to noble hopes, purified by sorrows and sacrifice, there is an immortality of bliss.

JOHN TEMPLE GRAVES.

HENRY W. GRADY, MEMORIAL ADDRESS.

[An address made upon the occasion of the Atlanta Memorial Services in memory of Henry W. Grady, Dec. 20, 1889.]

I AM one among the thousands who loved him, and I stand with the millions who lament his death.

I loved him in the promise of his glowing youth, when, across my boyish vision, he walked with winning grace from easy effort to success. I loved him in the flush of splendid manhood when a nation hung upon his words—and now, with the dross of human friendship smitten in my soul—I love him best of all as he lies yonder under the December skies, with face as tranquil and with smile as sweet as patrial ever wore.

In this sweet and solemn hour all the rare and kindly adjectives that blossomed in the pathway of his pen seem to have come from every quarter of the continent to lay themselves in loving tribute at their master's feet; but rich as the music that they bring, all the cadences of our eulogy

> "Sigh for the touch of a vanished hand,
> And the sound of a voice that is still."

And here to-day, within the hall glorified by the echoes of his eloquence, standing to answer the impulse of my heart in the roll-call of his friends, and stricken with my emptiness of words, I know that, when the finger of God touched his eyelids into sleep, there gathered a silence upon the only lips that could weave the sunbright story of his days, or met suf-

ficient eulogy to the incomparable richness of his life.

I agree with Patrick Collins that he was the most brilliant son of this republic. If the annals of these times are told with truth, they will give him place as the phenomenon of his period, the Admirable Crichton of the age in which he lived. No eloquence has equaled his since Seargent Prentiss faded from the earth. No pen has plowed such noble furrow in his country's fallow fields since the wrist of Horace Greeley rested; no age of the republic has witnessed such marvelous conjunction of a magical pen with the velvet splendor of a mellow tongue; and although the warlike rival of these wondrous forces never rose within his life, it is writ of all his living that the noble fires of his genius were lighted in his boyhood from the gleam that died upon his father's sword.

I have loved to follow, and I love to follow now the pathway of that diamond pen as it flashed like an inspiration over every phase of life in Georgia. It touched the sick body of a desolate and despairing agriculture with the impulse of a better method, and the farmer, catching the glow of promise in his words, left off sighing and went to singing in his fields, until at last the better day has come, and as the sunshine melts into his harvests with the tender rain, the heart of humanity is glad in his hope and the glow of his fields seems the smile of the Lord. Its brave point went with cheerful prophecy and engaging manliness into the ranks of toil, until the workman at his anvil felt the dignity of labor pulse the somber routine of the hours, and the curse of Adam, softening in the faith of silver sentences, became the blessing and the comfort of his days. Into the era of practical politics it dashed with the grace of an earlier chivalry, and in an age of pushing and

unseemly scramble it woke the spirit of a loftier sentiment, while around the glow of splendid narrative and the charm of entrancing plea there grew a goodlier company of youth, linked to the republic's nobler legends and holding fast that generous loyalty which builds the highest bulwark of the state.

First of all the instruments which fitted his genius to expression was this radiant pen. Long after it had blazed his way to eminence and usefulness, he waked the power of that surpassing oratory which has bettered all the sentiment of his country and enriched the ripe vocabulary of the world. Nothing in the history of human speech will equal the stately steppings of his eloquence into glory. In a single night he caught the heart of the country into its warm embrace, and leaped from a banquet revelry into national fame. It is, at last, the crowning evidence of his genius, that he held to the end, unbroken, the high fame so easily won, and, sweeping from triumph unto triumph, with not one leaf of his laurels withered by time or staled by circumstance, died on yesterday—the foremost orator of all the world.

It is marvelous past all telling how he caught the heart of the country in the fervid glow of his own! All the forces of our statesmanship have not prevailed for union like the ringing speeches of this bright, magnetic man. His eloquence was the electric current over which the positive and negative poles of American sentiment were rushing to a warm embrace. It was the transparent medium through which the bleared eyes of section were learning to see each other clearer and to love each other better. He was melting bitterness in the warmth of his patrial sympathies; sections were being linked in the logic of his liquid sentences; and when he died he was literally loving a nation into peace.

Fit and dramatic climax to a glorious mission, that he should have lived to carry the South's last and greatest message to the centre of the nation's culture, and then, with the gracious answer to his transcendent service locked in his loyal heart, come home to die among the people he had served! Fitter still, that, as he walked in final triumph through the streets of his beloved city, he should have caught upon his kingly head that wreath of Southern roses —richer jewels than Victoria wears—plucked by the hands of Georgia women, borne by the hands of Georgia men, and flung about him with a loving tenderness that crowned him for his burial, that, in the unspeakable fragrance of Georgia's full and sweet approval, he might "draw the drapery of his couch about him and lie down to pleasant dreams."

If I should seek to touch the core of all his greatness, I would lay my hand upon his heart. I should speak of his humanity—his almost inspired sympathies, his sweet philanthropy, and the noble heartfulness that ran like a silver current through his life. His heart was the furnace where he fashioned all his glowing speech. Love was the current that sent his golden sentences pulsing through the world, and in the honest throb of human sympathies he found the anchor that held him steadfast to all things great and true. He was the incarnate triumph of a heartful man.

I thank God, as I stand above my buried friend, that there is not one ignoble memory in all the shining pathway of his fame! In all the glorious gifts that God Almighty gave him, not one was ever bent to willing service in unworthy cause. He lived to make the world about him better. With all his splendid might he helped to build a happier, heartier, and more wholesome sentiment among his kind. And in fondness, mixed with reverence, I believe

that the Christ of Calvary, who died for men, has found a welcome sweet for one who fleshed within his person the golden spirit of the New Commandment and spent his powers in glorious living for his race.

O, brilliant and incomparable Grady! We lay for a season thy precious dust beneath the soil that bore and cherished thee, but we fling back against all our brightening skies the thoughtless speech that calls thee dead! God reigns, and his purpose lives; and although these brave lips are silent here, the seeds sown in this incarnate eloquence will sprinkle patriots through the years to come and perpetuate thy living in a race of nobler men!

But all our words are empty, and they mock the air. If we would speak the eulogy that fills this day, let us build, within this city that he loved, a monument tall as his services, and noble as the place he filled. Let every Georgian lend a hand, and as it rises to confront in majesty his darkened home, let the widow who weeps there be told that every stone that makes it has been sawn from the solid prosperity that he builded, and that the light which plays upon its summit is, in afterglow, the sunshine that he brought into the world.

And for the rest—silence. The sweetest thing about his funeral was that no sound broke the stillness, save the reading of the Scriptures and the melody of music. No fire that can be kindled upon the altar of speech can relume the radiant spark that perished yesterday. No blaze born in all our eulogy can burn beside the sunlight of his useful life. After all, there is nothing grander than such living.

I have seen the light that gleamed at midnight from the headlight of some giant engine rushing onward through the darkness, heedless of opposi-

tion, fearless of danger, and I thought it was grand. I have seen the light come over the eastern hills in glory, driving the lazy darkness like mist before a sea-born gale, till leaf and tree and blade of grass glittered in the myriad diamonds of the morning ray; and I thought it was grand.

I have seen the light that leaped at midnight athwart the storm-swept sky, shivering over chaotic clouds, mid howling winds, till cloud and darkness and the shadow-haunted earth flashed into mid-day splendor, and I knew it was grand. But the grandest thing, next to the radiance that flows from the Almighty Throne, is the light of a noble and beautiful life, wrapping itself in benediction round the destinies of men and finding its home in the blessed bosom of the Everlasting God!

WILBUR F. BROWDER.

HAPPY IS THE NATION WHOSE KINGS ARE PHILOSOPHERS, AND WHOSE PHILOSOPHERS ARE KINGS.

[An address delivered before the Literary Societies of Bethel College, Russellville, Ky., Wednesday evening, June 13, 1883.]

LADIES AND GENTLEMEN:

When the invitation to deliver the annual address upon this occasion was received a few weeks ago, it was accepted with an undisguised satisfaction, albeit not without many misgivings, for, to my mind, no task is pleasanter, while at the same time few responsibilities are graver, than that involved in the undertaking assigned me by the generous partiality of the students of Bethel College. The young manhood of a country is its richest, its rarest, possession, and the proper development and direction of that manhood is the loftiest duty of the state.

In a land like ours, whose great destiny is confided to "a government of the people, by the people, for the people," where absolute equality is the chief corner-stone of civilization, of liberty, and of law; where the scientific dogma of the survival of the fittest is the inexorable rule of social and political life; where all power is lodged in the people, who alone are sovereign; in this magnificent brotherhood of men dedicated to the service of humanity by the sisterhood of states, where none are born great, where few have greatness thrust upon them, but where crownless thousands achieve greatness by the

stalwart arm of high resolve and without the invocation of prophet, priest or king, it is peculiarly important that the youth, the vanguard of each incoming generation, should early see and be prepared to grapple with the great problems which await their entrance upon the stage of action.

Plato said, more than two thousand years ago, in an age which the colossal vanity of modern times is wont to stigmatize as an era of pagan darkness:

> "Happy is the nation whose kings are philosophers,
> And whose philosophers are kings."

And no phrase has been coined in the mint of modern thought which so aptly and so eloquently expresses the profound truth that universal knowledge and universal virtue are the essential conditions of every nation's happiness, prosperity and power; that in the domain of learning, the ruler and the ruled, while differing in degree by reason of irremediable natural disabilities, should never differ in kind by reason of the neglect of the one or the apathy of the other.

It is not my purpose, young gentlemen, to exhaust your patience by exhorting you to expend your energies and talents in the doubtful struggle for literary fame, but it seems to me that, under the circumstances surrounding us to-night, in view of the object of this celebration, public sympathy with which has attracted thither this brilliant array of loveliness and beauty, that a brief discussion of the idea suggested by the illustrious Athenian just quoted will not be inappropriate.

The unprejudiced student of history, the man who has the courage and capacity to divest himself of all preconceptions and to enter into its vast Pantheon inspired by that humility of spirit born only of veneration for truth; who has the intellectual au-

dacity to review the past life of the world for the sole purpose of ascertaining the facts, for the sake of the facts themselves, and without reference to the bearing these facts may have upon some peculiar theory of his own, derived, perchance, by inheritance from his father or from the idiosyncrasies of his education, or imbibed from some creed-monger or system-builder, will willingly concede that the leading characteristic, the most conspicuous feature of the historical development of the race, is the gradual but sure encroachment of the intellectual upon the emotional man, and that the sum of human happiness and the sum of human power are augmented in exact proportion to the extent of this encroachment, to the growth of this ascendancy. Mark you, I do not decry the spiritual side of man's nature. Far from it. Out of the religious instincts of humanity have sprung some of the lordliest creations of thought, some of the noblest adornments of character. But the principle mentioned is incontestable. The fact stated is the central fact of history, the central sun around which and in the blaze of whose light all other facts revolve, as the lesser plants revolve about the central glory of the solar system. It pervades the annals of time like a river threading its devious way over plains, gathering volume and vigor as it nears the ocean. It is discernible, in the long record of the race, with as much distinctness, with as much clearness, as the wanderings of the gulf stream are traceable in the geography of the seas, or the path of the comet in the topography of the skies. It is significant of the supremacy of mind over feeling. It signalizes the triumph of intellect over the senses and is prophetic of the coming of that day which shall witness the coronation of Intellect as the sceptered monarch of universal empire, whose divine majesty, no longer cowering before the

Nihilism of bigotry or the Commune of creed, will assert and maintain, in the fear of God, dominion over the aspirations of a world emancipated from the serfdom of superstition, disentangle, disenchanted, disenthralled from the spell and bondage of a mere belief, and marching onward and upward, with the mighty stride of a giant, to the achievement of that sublime destiny whose radiant glories no mind can conceive, whose unimagined beauty no fancy can portray.

The acquisition of knowledge has been, from the very foundation of society, the ambition of every exalted mind, but at no period of the world's history was the love of learning so widespread and omnipresent, so potent as factors in the formation of the individual and national character, so lavish in the dispensation of its charms and blessings, as that which chronicled the growth of maturity of the Athenian and Roman literatures, *par nobile fratum* of antiquity.

I have sometimes imagined, in the contemplation of these exhaustless reservoirs of human thought, where, for centuries and centuries, the grateful nations of the earth have slaked their thirst, that the chief reason for awarding the palm of superiority to the Hellenic over the Roman intellect was not so much on account of any radical difference in the structure of subtility of the two as on account of the unsurpassed brilliancy of the language in which the former robed its creations. It was Cicero, I believe, who said that if the gods of Olympus would condescend to commit their divine conceptions to human speech, they would converse in Greek. Certain it is that the Greek of the Platonic era is the perfection of language, and Grecian literature is immortal scarcely more by reason of the marvelous genius of

its founders than by reason of the radiant beauty of the forms through which it has been articulated to modern times; a language superbly equipped for the royal decoration of thought, richly jewelled with gorgeous imagery, unrivalled in technology, burning with passion, melting with pathos, aglow with the scintillations of reason, glittering with the frostwork of fancy, teeming with every variety of invective, blooming with every flower of rhetoric and vocal with melody, chaste and graceful, flexile and flowing, exquisitely fashioned and adapted to the needs of poetry and philosophy, of science and oratory, a fit sarcophagus for the mighty thoughts of dead centuries, a glorious mausoleum, wherein have been embalmed, with more than Egyptian art or Artemesian cunning, the splendid achievements of that vanished age!

We boast of our superior civilization, the chief glory of which is invention, whose two-fold mission seems to be the ceaseless creation of artificial wants and the infinite production of the means of their gratification. But in all the loftier elements of life, in the realm of intellectual being, in all those subtile constituents that go to make up the majesty of manhood, the stateliness of character, the glory of the ancients shines out like a luminous star in the light of the past, whose corruscations are undimmed even by the electric splendors of to-day.

In architecture, in sculpture, in poetry, in painting, in eloquence, in military genius, in statescraft, in all the speculative and in many of the practical sciences, these people were our masters. What oratory of the last nineteen centuries has equalled that marvelous mesmerism of action, that wondrous witchery of words, which burst like a storm upon

the sea of upturned faces in the shadow of the Acropolis.

> "Wielded at will that fierce democratie,
> Shook the arsenal, and fulmined over Greece
> To Macedon and Artaxerxes' throne."

That voice whose sublime music fell upon the enraptured ear like the intonations of fate; those eyes before whose God-like gaze bewildered multitudes quailed as though smitten by a glance of destiny! What poet has scaled the heights of Helicon and torn the crown from Homer's brow—that mighty monarch of the epic verse, whose reign began eight centuries before the dawn of the Christian era and, with no heir presumptive or apparent to his throne, has survived the mutations of time, the downfall of states, the wrecks of systems, the fierce rivalry of ages, and seems destined to mock for all the coming years the vain power of chance and change and death?

What engineering skill can construct the Egyptian Pyramids; who duplicate the Egyptian Sphynx—those majestic monuments of antique are in whose awe-inspiring presence even the recondite scholarship of to-day is mute, baffled in its vain endeavors to extort from the unresponding stone the story of their birth, the meaning of their existence, wandering hopelessly and helplessly through the mazes of conjecture, guessing whether they were built as astronomical observatories or as memorials of a universal system of weights and measures, or as illustrative of the geometrical and mathematical systems of ancient Egypt, or as the sepulchre of kings? Of what service were they to the toiling millions whose labor and treasures were exhausted in their erection? What good was accomplished by their construction? I know not, nor do I know why Nature

gave the world its cataract of Niagara or its Norwegian solitudes. There they stand, the imperishable relics of a once highly civilized race, bearing the same relation to the power of man, to the mastery of mind, as the Himalaya Mountains bear to the power of Nature, to the mastery of God.

Where is our Phidias, our Praxiteles, beneath the stroke of whose deft chisel the conscious marble sprang to life as if beneath the touch of an enchanter's wand? But why mutiply examples? The great truth stares us in the face wherever we may turn; Cæsar had no Waterloo, Alexander no Sedan. The statesmanship of Pericles, of Solon, of many of the ancient consuls and emperors, was founded upon popular education as the safeguard of national greatness, as the palladium of national liberty, as the stronghold of national existence. Whence came the civilization of that day? What were its sources? What necromancy reared from out the chaos of that dark age this gilded temple for the delight of the Old World, for the wonder and admiration of the new? The answer comes back in two simple words—intellectual freedom! The right to think was the right divine. It was the supreme law of the land. This was their Magna Charta; this was their Bill of Rights; this was their table of stone. No man was measured by what he believed, but by what he knew. No man was judged by what he thought, but by what he did. No man was condemned for his opinions, but for his conduct. The sanctity of private judgment was inviolate as the chastity of their vestal virgins was sacred, and every man was the sole custodian of his own conscience. There was no inquisition to enforce belief by torture, no Vatican to stifle inquiry by artifice, and, better than all this, there was no proscriptive and censorious public sentiment, that most powerful and cruel of all human tyrants,

to sit in solemn judgment upon the opinions and views of the individual. Happy people, whose kings were indeed philosophers, and whose philosophers indeed were kings!

With what shame and humiliation do we turn from the contemplation of this bright picture to cast a hurried glance at the mental and social condition of Europe in the Middle Ages; that period of time embracing one thousand years, beginning with the conquest of France by Clovis in the year 500, and ending with the invasion of Naples by Charles VIII. in the sixteenth century — that dreamless, starless night, through which humanity groped its way by the dim light of the memory of the past, by the faint gleam of hope for the future; that saddest of all sad ages, when commerce died upon the seas and perished on the shores, when art was banished, when science slept, when eloquence was hushed, when poetry hung her harp upon the willows and wept far bitterer tears than ever soiled the cheek of Babylonian captive, when statesmanship sank into intrigue, when war was organized murder, when diplomacy was deceit, when love was lust—that inglorious, ignominious age of fanaticism, falsehood and crime; that shameless era of ignorance, vice and penury, standing out in bold relief upon the blackened page of universal history as the foul repository of human wretchedness, of human hopelessness, of human despair.

To characterize it fitly would stagger the intellect and sicken the imagination. "Let him take who hath the power; let him keep who can," was the only law to which appeal was made. Every man was a monk, a bandit or a beggar. The days of chivalry, over which the distempered fancy of contemporaneous romancists has flung a weird fascination, are notable chiefly as the possible inspiration of DeQuincey's

unique essay on "Murder As One of the Fine Arts." The domination of ignorance was complete, embracing in its boundless sweep the palace and the hovel, the prince and the peasant. Wars were prosecuted, not for the extension of empire, not for the vindication of national rights, not for the redress of national grievances, not for the establishment of civil liberty, not for the dissemination of knowledge, not for the advancement of governmental science, not even for the glory of conquest, but to decide which of two illiterate and brutal despots should despoil the still more illiterate and brutal people, to enforce the nefarious decrees of Roman pontiffs, to execute the bloody mandates of papal bulls, to rescue the empty and dismantled tomb of Joseph from the grasp of the Arabs, to destroy the indestructible right of free thought, to extinguish the inextinguishable right of free speech, to enslave the reason and to annihilate all that is noble and Godlike in manhood.

The Greek was purely intellectual; the European purely emotional. The one was a philosopher; the other a priest. The one labored; the other hoped. The one reasoned; the other prayed. Both are dead and vanished from the earth, but their works do live after them. Behold the products of the two! The civilization of reason and the civilization of creed! The one the pride and glory of the Caucasian race; the other a blot and stain upon the Caucasian character. The one rising before the rapt vision, "a thing of beauty and a joy forever," like a new-born Venus springing from the ocean's foam; like a new-born Pallas leaping from the brain of the god; a stately marble shaft, of more than Corinthian shapeliness and snow, lifting its graceful form to the kissing clouds; upon whose broad base the baffled billows of the seas shall forever break; upon whose

proud summit the sunlight of eternal ages shall forever play.

The other flitting before the affrighted gaze like the gaunt spectre of famine, like the dread demon of despair, the typical embodiment of the genius of pestilence, poverty and plague, floating up before the mind's eye like the noxious exhalations of the Dead Sea, dispensing poison, disease and death. A sky without a star; a desert without a fountain; a wild waste without forest, field or flood!

But finally the revulsion came; came in obedience to the principle announced in the outset; came with an earthquake shock that startled the recumbent giant of humanity from his long sleep of a thousand years; came in the form of that historical phenomenon of the sixteenth century, called the Reformation, of which Wycklif and Walden, Luther and Melanchthon were the apostles, and Shakespeare and Bacon, Locke and Milton were the oracles. The chains of intellectual slavery were relaxed, and the servitude of reason saw upon the distant horizon the dawn of its emancipation day. The magnificent libraries of the monasteries and the Vatican, which for centuries had been mouldering in the dust, artfully locked from the world by the craftiest and cruelest priesthood that ever bartered the promises of heaven for the promises of gold, were flung open to the hungering and thirsting populace. Learning was revived; the broken altars were re-established; the pillaged shrines were re-hallowed; books were printed, circulated, read; schools, colleges and universities were founded; the spreading wings of transfigured commerce whitened the seas; the hum of awakened industry gladdened the shores; art came back from its long exile and gave its brush to Raphael, its chisel to Cellini, and both to Michael Angelo; eloquence returned to grace the forensic triumphs of Somers,

and to glorify the parliamentary victories of Hampden; science arose from its hibernal slumber, and the bleak winter of its discontent was made glorious summer by the genius of Bacon, and Milton's inspired fancy foretold, in deathless song, the second coming of the crucified muse. People began to think, began to speak, began to live. The genius of labor began its conquest of the genius of creed, and, under the dauntless leadership of reason and of right, instinct with the irresistible principle of human development, whose operations I have attempted to illustrate, its triumphant march has been signalized by a succession of victories whose trophies are the monuments and muniments of the civilization of to-day. In this country these hard-won blessings are secured to us and our posterity by the constitutional guarantees of the separation of church and state, of freedom of the press, freedom of speech, freedom of life, and, as far as the machinery of the government can avail, freedom of thought. The constitution of the United States and the constitutions of the thirty-eight states composing the Union are significantly silent upon all question of casuistry, and the plea I make to-night is that the organic law of the states and the nation may become in this respect the organic law of society, and the people the organic law of the hearth and home, the organic law of man's commerce with man. Archimedes once said that he could make a lever of sufficient power to hurl the physical world from its axis, if he only had a fulcrum to support it; and what he bewailed in mechanics is the great desideratum of modern civilization. Intellect is the lever that moves the world, and liberty of thought the fulcrum, without which it is as powerless as was the device of the ancient mechanician.

I believe in the principles of justice; I believe in

the ministry of mercy; I believe in the gospel of charity; I believe in the nobility of virtue; I believe in temperance, in honesty, and in labor; but, beyond all these, above all these, over all these, I believe in the supreme right of the human mind to think and to reason upon all questions in all places, at all times, under all circumstances, under all conditions. I protest, in the name of the great principle of human progress to which I have spoken, against all dogmas, doctrines and systems which deny or abridge, or in any way curtail, this divinely-endowed right, against that spirit of intolerance which has always baptized the first creations of science in the blood of martyrdom, which sent Galileo to the dungeon because he interpreted the heavens according to the will of the Creator, and not according to the astronomy of Joshua and the ancient church. Intolerance is the monumental crime of the ages, the gigantic curse of the centuries, the Pontius Pilate of to-day, consenting to the demands of the unreasoning mob for the crucifixion of the God of Enlightenment who has come to redeem the world from ignorance and vice.

The mission of civilization, the mission of education is to rescue the intellect from the grasp of this giant. The spread of learning is the death of bigotry. Then, let thought be free. Let it come and go where it listeth. Give it the wings of the morning that it may fly to the uttermost parts of the earth and, returning, bring back the olive branch of universal knowledge, of universal peace, of universal happiness. Let it sweep the glittering dome above us and unravel the mysteries of new forms of life that mingle with the midnight wandering of the stars. Let it descend into the earth beneath us and read the history of creation in the apocalypse of rock and drill. We have done much, but much re-

mains to be done. We have transformed tradition into history. We have dignified the vagaries of astrology into the science of astronomy. We have advanced the pretensions of alchemy to the science of chemistry. We have subjugated electricity into the service of man, by which his thoughts are flashed over the world with the speed of a comet and his habitations is illuminated with a splendor that rivals the glory of the sun. We have encircled the continent with bands of steel over which rush the revolving wheels of commerce distributing the enormous wealth of nations wherever the tramp of the iron horse is heard or the smoke of his nostrils is seen. We have conquered the winds and the waves, the storms and the tides, the land and the sea, but we have not conquered our prejudices!

This, young gentlemen, is one of the problems appealing for solution to the courage and scholarship of the age. It is worthy the ambition of the loftiest mind; worthy the aspiration of the broadest philanthropy. Out of its partial solving has sprung into being the splendid fabric of American civilization, the world-wide celebrity of American citizenship, the stately structure of American government; and its triumphant mastery will perpetuate the ever-expanding glory of the republic, will seal the immortality of the Union of the states, and make them the refuge and abiding place for all coming time of a mighty people, whose kings shall be philosophers, and whose philosophers shall be kings.

THOMAS E. WATSON.

TRUTH, IN ITS RELATION TO INDIVIDUALS, PROFESSIONS, LAWS AND INSTITUTIONS.

[An address delivered to the graduating class of the Milledgeville, (Georgia) Academy in June, 1890.]

A FEW years ago the novel-reading world was eagerly devouring the pages of that very curious book to which its author, Rider Haggard, had given the still more peculiar name of *She*.

Those of you who may have read this story will remember the weird description of the landing of the English travelers on the savage coast of Africa; will remember how they found, imbedded in the mud, the ancient stone wharf; will remember how they toilfully made their way up the lonely river, labored through the long-forgotten canal and across the morass, to the people whose queen was "She-Who-Must-be-Obeyed."

You will remember the description of the ruins of the City of Kor, but you will recall especially the pen picture of the deserted and crumbling Temple of Truth. Within its inner court stood a statue of the goddess whose worshippers had once filled that waste with their hurrying footsteps; whose voices had once filled that silence with sounds of devotion. Upon a pedestal stood a magnificent marble globe, and upon this globe stood a sculptor's dream of female loveliness. Its hands were extended in supplication, for a veil was over the face. There it stood, divine amid the desolation, silvered in the moonlight which soft-

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ened while it illuminated every outline; and thus it had stood for ages—*Truth beseeching the world to lift her veil.*

In this symbol, sole remnant of the glories of the ruined temple, there is a profound meaning. The desolate city may lie about her, and the very precincts once peopled by her votaries may give place to brambles, but Truth herself is imperishable—survives all wreck and change; and if her prayer be slighted and her veil never lifted, the people perish while she survives.

During the hour allotted me to-day I know of nothing better for me to do than to talk to these young men on the thoughts suggested by the veiled statue of Truth.

If I were asked to sum up in one sentence the highest purpose which man can have in this life, I would say it was "*To seek the truth and to live it.*"

Not only is this purpose a noble one, but it is one which is absolutely necessary to the true and permanent success of the individual or the mass; the citizen or the government. Creeds have lived or died, laws have been dominant or trampled on in exact proportion to the elements of truth which they contained. Apparent exceptions prevail, but they do so only in appearance, and the success of falsehood is, in the nature of things, bound to be partial and temporary. The constant tendency of the universe and all it contains is to conform to *the truth.*

The philosopher seeks the truth, and in proportion that he finds it, benefits mankind. Theories come and go, hypothesis chases speculation, and demonstration steps on the toes of surmise, but the constant effort is to find the truth. The church may stretch Galileo on the rack, the universities of Spain may solemnly denounce Sir Isaac Newton, but Truth

marches on with serene power and extends her sceptre over the bowed head of the world.

Boundless is the gratitude we owe to the philosophers. They brought reason to bear upon nature, expounded her meaning, and explained away her mysteries. They robbed the eclipse of the terror which once sent the nations to their knees; severed famine and pestilence and earthquake from any connection with the wrath of God; established the uniformity and permanency of nature's laws, and hurled superstition from its throne in the minds and hearts of men.

From a time ages in advance of Moses it has been the task of statesmen to write the law in conformity with truth. When they have done so their work has been immortal. A cardinal truth, once discovered, survived even the people who discovered it, and carried its precious freight, like another Godspeed, across unknown seas to bless unborn peoples.

The Hindoos are a decayed nationality—prostrate beneath British rule—but in their code of laws there were some regulations so wise, so just, so beautiful that they have made the circuit of the globe and have embedded themselves in every system which deserves honorable mention. The laws, like the nations, have come from the East, and the Hindoo laws will outlive the race which framed them.

The Goths and the Vandals could beat down the frontier guards of the Roman Empire, sack its cities and divide its provinces, but they could not conquer its laws. Upon the other hand, if there is any special system of jurisprudence which may be said to govern the affairs of men to-day it is that of ancient Rome.

You will hear much said about the English common law. You will hear it praised as if it were some divinely inspired oracle. Don't believe a word of it.

The English common law was the brutal code of half-naked savages. The truth was not in it, and it fell. It deserved to fall. Under it a woman was a serf and a poor man a slave. Its land tenure was infamous; its methods of trial were heathenish and idiotic; its punishments were revolting in their devilish cruelty.

Superstition hung like a pestilence on every principle of the unwritten law of England. Some tyro, fresh from his Blackstone, will claim that the jury system is the pride of the common law.

The jury system had no existence until after the Norman conquest, and it was totally inefficient for general good until love of liberty, general intelligence and higher ideal left the old common law a stranded wreck.

Its principles, its purposes and its methods had to surrender because they were false—false to the true relation between government and people; between master and servant, between husband and wife; false to the true relation between innocence and guilt, between crime and punishment.

I do not mean to say that our code of to-day speaks the truth upon all subjects. It does not do so. But it is an immense improvement upon the code of one hundred years ago.

When you go into one of those judicial mills called a court of justice, you may have these ideas weakened. You may find it difficult to remember that the law seeks the truth.

There is the judge, the fountainhead, the judicial guardian of the rights of the parties litigant. He is supposed to be an able man. He himself has no doubt upon that subject. He is supposed to be impartial; and the fact that he tries a railroad case with a free pass in his pocket (while the jury have

none) does not for one moment shake his conviction that the jury is "prejudiced."

If a member of that jury accepts a five-cent cigar or a glass of red lemonade from lawyers or litigants, the verdict must be set aside—no matter how much expense it involves, no matter how little the cigar or the lemonade may have to do with the verdict. It becomes at once a self-evident fact that the jury did not surrender to law or evidence, but capitulated to the red lemonade.

But the judge on the bench, with no eleven associates to hold him in check, can quietly utilize a free pass worth hundreds of dollars, can serenely warn the jury not to have any bias or prejudice against the issuer of that free pass, and never once have his conscience ruffled by the thought that he is virtually in the position of the bribe-taker.

And his excuse is more shameful to the judiciary than his offense—"They all do it."

Consider, now, the lawyers. Not one of them wants justice done simply because it is justice. If my client happens to be right I want him to win, not so much because he is right as because he is my client. It is necessary to my reputation that he *should* win.

If the other side indulges in any tricks against my client, I am indignant; not so much because they are wrong as because they are injurious.

On the contrary, if my client is in the wrong, I cannot desert him. I dare not stand up in court and ask the judge to strike my name from the docket, and thus retire from the case. The reproach of bench and bar and people would fall on me like an avalanche. I would never get another case. Once in, I must stay in. I must prop the falling cause. I must bullrag the witnesses; I must abuse the other fellow; I must voraciously (if I can) eat up the

lawyer on the other side; I must inflame the passion, prejudice or pity of the jury; I must confound and confuse the judge; and if there is a particularly truthful witness on the other side, and his testimony is specially in my way, I must go for that witness with an appetite which will take no denial and no satisfaction. I must pound him and grind him. I must throw him up and fling him down. I must walk over him, and then walk up and down him. I must give him "cat-o'-nine-tails" externally and aqua fortis internally. In other words, I must deface, disfigure and demolish this honest witness to such an extent that his neighbors on the jury will forget that he is a reputable citizen who has sworn the truth. And all this is done that my miserable scoundrel of a client may gain where he should lose, and that I may have the credit of winning where I should be defeated.

Suppose the witness appeals to the judge for protection? He will not get it. He will be told that he must not interrupt counsel. If he persists in his objection to the style in which I am tearing his reputation to tatters, and becomes unruly and demonstrative, his honor, the judge, will fine him for contempt of court. When the trial is over the judge and bar will compliment me on my splendid invective and the magnificent style in which I destroyed that truthful witness. The jury itself will enjoy the gladiatorship, and for years afterward will remember the witness, chiefly because of the cowardly attack which I made on him in a place where he could not defend himself.

Is not this a faithful picture of the court-room which you may witness any day in this land?

Is it right? In God's name, are we not drifting away from the truth when our lands, liberty and life may depend on the speech of the advocate?

For this state of affairs a remedy must be found. A trial in the court-room must be made more of judicial examination by the judge and jury, and less of prizefight between the lawyers.

The present system no longer serves its purpose. The public has lost confidence in it.

A system which sends a negro to the chain gang for betting a dime on "the first game of seven-up," and finds itself powerless to punish the stock gambler, is weak unto rottenness, and there is no use denying it.

A system which tears a white tenant from his family and puts him in chains and stripes because he sells cotton for something to eat and leaves his rent unpaid, and which at the same time cannot punish its railroad kings who shamelessly violate the penal statutes, is a system which no honest man can heartily respect.

The constant necessity of any government is to find the truth. Without it no real prosperity is possible.

I do not forget that error has frequently crystallized in the institutions of a country; but when it has done so, ruin follows.

The unequal treatment of the classes, the unequal levying of the taxes, the unequal distribution of wealth have been three of the main causes which have peopled the cemeteries of the past with dead empires.

In France we find an illustration which will serve for many. All the power, privilege and wealth were centered in one class.

The nobles and the priests constituted this dominant caste. Only they could hold office. Only they could reach promotion. They alone possessed wealth.

The nobility and the church owned most of the

land. They drew enormous salaries and pensions and perquisites, but they contributed almost nothing to the support of the state.

A peasant they despised. They could beat him, imprison him, outrage him in person, property, family, and he had no redress.

He must give his labor to them without pay.

He must grind at the lord's mill; and if he wished the privilege of mashing his wheat between two rocks at home, he had to pay for it. He must carry his grapes to the lord's press; his bread to the lord's oven. Five-eighths of his crop went to the tax-gatherer.

Only nobles could kill game. The peasant must allow wild boars to ravage his fields. He dare not kill them. That sport belonged to the noble.

He must allow troops of deer to trample down his crops. He could not kill one at the peril of his life! The sport was reserved for the noble.

Partridges must not be disturbed in their nests or in their feedings, nor must the peasant manure his crops while the young birds were growing up. It was thought to spoil their flavor, and this could not be endured by the noble.

Abuses so terrible, in some of the fairest provinces of France, crushed out cultivation entirely, and the country became a desert, while the cities were crowded with the starving peasants who had left them.

At the same time the church held property to the amount of $400,000,000, with a yearly revenue of $15,000,000, and did not pay one cent of tax.

This pitiless policy brought its natural result. The goose, being in a dying condition, yielded no more golden eggs. National bankruptcy came. The huge falsehood began to collapse.

The terrified king asked his minister what he must

do. The minister said: "Compel the nobles and the priests to bear their equal share of taxation."

The monarch was delighted. He assembled the priests and the nobles. He said to them in effect: "Gentlemen, you have for ages monopolized the wealth and honors of this realm, and you have contributed little to the expenses of the government. All the revenues of the government go to you. The people get none of them. The people are starving and can pay no more. Hence, I ask you to allow your property to be taxed for the public weal."

What was the response? A cry of indignation which drove the minister from power and the king from his purpose. What was the result?

Revolution, red-handed, leaped upon the false order of things and swept it from the face of the earth.

I am sorry for the poor king who was beheaded, and for the poor queen also; but I am yet more sorry for the nameless poor who starved under misrule, and for those ragged wretches who were hung at the palace gates because they had come there to ask for work and bread.

We pride ourselves upon the equality guaranteed in the Declaration of Independence. The theory that before the law all men are equal is the glory of Jeffersonian Democracy. He believed with all his soul that classism, special privilege, concentrated power and corporate wealth were deadly enemies to this government. He was right. This government today has left the simple, majestic and true ideal of Jefferson, and has merged into the consolidated empire Hamilton desired.

The system is false and cannot live. It is glaringly untrue in theory and in practise, in outline and in detail. Judged by the Declaration of Independence, it is false; judged by the constitution, it is

false; judged by the republican spirit of this people, it is false. And it will die just as certainly as there are enough brave men left to denounce the system and arouse the people to tear it to pieces.

If I were to go into detail to prove this, I would be accused of making a political speech where it is out of place. Therefore, I merely call your attention to these general facts: The tendency of the government to favor some industries at the expense of others; to favor some classes at the expense of others; to enforce general contributions from all the people when the benefit goes directly into the pockets of a few; to grant special privileges to some which it denies to others; to place the taxes almost entirely upon those least able to bear them; to relieve entirely from taxation those who derive the greatest benefit from the government and are most able to pay; aiding and encouraging the strong to oppress the weak—sanctioning the large fortune when it swallows the small one, and the large company when it gobbles up the little one; and fostering the trust which destroys or absorbs the independent enterprises that would stand against it.

Shameful system! Shameful government which permits it. It is a burning LIE before God and man, and God's omnipotence is pledged to the proposition that it cannot live.

No question can be more absorbing at a commencement than this:

"What are these young people going to do?"

Young gentlemen, there is in every walk of life both truth and falsehood. Learn to know the one and love it. Learn to know the other and hate it.

Do you think of being a lawyer?

Few greater men have lived than really true lawyers. Few meaner men have ever lived than the

false ones, and you can't shoot off a scatter-gun in any direction without crippling some of them.

But the true lawyer; who is he? In ancient history he is the citizen who would travel on foot from land to land, endure every privation, incur every danger in order that he might study the laws, customs and manners of other people, and carry the best of it all back to his own people to improve them with it. He gave his life for his country in the strictest and noblest sense.

What profounder remark was ever made than this by Solon: "I have given my people not the best laws, but the best they were fitted to receive."

What grander man ever lived than the great Roman lawyer whom Nero commanded to justify that tyrant's murder of his mother?

Lofty type of the loftiest ideal! We can see him yet, the grand figure of pagan manhood, through the mist of the ages, as he draws his mantle about him and goes to his death, rather than stain his hands with the ghastly work!

Go into France and find me the heroes who led her from feudalism to liberty; and when you crown each of them, it is a lawyer who wears your honors!

Cross the channel to England and seek among her illustrious dead those apostles of freedom, to whose memories you will bare your heads, and it is to a band of noble lawyers that you have uncovered!

Ask me to whom popular rights and the knowledge of how to enforce them is most to be credited during this century, and I answer without a moment's hesitation, Daniel O'Connell, the great Irish lawyer!

To him we owe the science of agitation; the irresistible but peaceable marshalling of public opinion to change customs, policies and laws; to him we owe the demonstration of the profound truth that reforms are not granted merely because they are right,

but they are granted when it is no longer possible to refuse them.

Leaving the Old World and coming to the New, the same fact meets us. The signal-fires of the Revolution were lit by lawyers; the Declaration of Independence was written by a lawyer—so the constitution; and the man to whose doctrines of equality the people are returning now as fast as they can march was Thomas Jefferson, the lawyer. So much for the ornaments of our profession. I glory in its opportunities for good.

I never yet faced a jury where life, liberty and property was involved, and wrong was threatened, that I did not feel my breast swell—proud of the splendid privilege of being the champion of the right. Never such a thrill enters my veins as when, by some just verdict, I can send back to the old homestead, safe now for all time, the family who love it most, and to whom every feature of the landscape is festooned with tender memories; or give back to some drooping wife—weeping bitterly and fearfully amid her little ones shadowed by orphanage—the missing light, without which home would be always dark.

But of all mean creatures, deliver us from the lawyer who perverts truth, ferments discord, thinks only of his fee, tampers with witnesses and bribes jurors.

The lawyer who knowingly uses false testimony, knowingly misleads the judge, knowingly takes unjust advantage of the other side, has, in my humble judgment, done an unprofessional thing and made himself a party to a crime.

Young gentlemen, if you wish to be a lawyer, be one. It is a most honorable profession. But belong to the true, and not to the false. If your client be guilty, go no further than to hold the state to a strict proof of guilt. That far you may go in honor. Fur-

ther you cannot go. Make yourself no accomplice in perjury or bribery. Remember that your client has not bought your character.

Avoid the narrowness which so often comes from regarding law as merely technical. Lift yourself to view it as the application of right to the relations between man and man.

Some of these days I pray that we may have in our courts and in our regulations less of technicality and more of the spirit of Justice.

Do any of you think of being politicians?

I hope so. If there is anything which this country needs just now it is more politicians of—the right sort.

Henry Clay told his sons to "be dogs rather than politicians." He died a disappointed man; so did Webster; so did Calhoun. Why? Like children, they were eternally crying for the toys they couldn't get. They wanted, each of them, to be President, and it soured them when the "splendid misery" of that highest office passed them by.

But it does seem to me that the politician of the higher type is absolutely essential in all countries. Who is he, and what is his mission?

He is the citizen who loves justice in the laws; who believes that the doctrine of right should be the creed of government as well as of individuals; his mission is to denounce abuses and propose remedies; to oppose bad laws and to advocate good ones; to educate the masses of the people upon the true principles of government, to lead them in opposition of administrative wrongs; to embolden them to stand squarely for their guaranteed rights; to labor to the end that equity shall be preserved, that the avenues of promotion shall be kept open to all alike, and that the country shall be henceforth and forever a decent place for the people to live—free from the

tyranny of classes, free from the exactions of a moneyed aristocracy or an intolerant and corrupt priesthood; free from the legalized tyranny of capital over labor—of the rich over the poor.

Such is my conception of the true politician.

Now as to the false. You feel the need of a disinfectant when you approach him. He looks bad, he smells bad, and he *is* bad. H. is abroad in the land. The impudence of Satan is in his face, and the mainspring of his existence is "boodle." Principles are, to him, things to use, trade on and desert.

His fellow-man is to him either the hunters or the game—either the fellows he is after, or the fellows who are after him. The government is the machinery which collects the fleece from the lambs; for that reason he loves the government and goes after the fleece.

Truth, honor, patriotism are so many stage habits, which he may or may not assume, and put off as the occasion may require.

You will find him enthroned in every city. Generally he bosses the town. His co-partner is the saloon keeper on the corner. Between them vice and fraud run rampant through the streets; taxes are high and thievery prevalent; jobbery of all sorts preys upon the city, and decent citizens get to the point where despair scarcely complains.

Do any of you wish to become politicians?

If so, avoid the false as you would a pestilence. Stand for the true, and after a while the people will understand you and appreciate you.

The people need you! Justice and good government need you! If the appeal moves you, come quickly, for time presses. If this country is to be rescued from the dominion of a foul plutocracy, there is not a day to lose. Every hour makes our chains heavier and stronger. If I could send this

feeble voice like a trumpet through all this land, through every walk, into every condition, its alarm would be: *"Rise up and strike your enemies! Your homes and your liberties are being lost!"*

Do you think of being a farmer?

I hope some of you do, but I doubt it. There is no charm in agriculture now. The country mansions have gone to decay; the fields are worn to sand, or seamed with gullies; the ditches in the low ground have filled, and the meadow, ah! the green, flower-scented meadow we children loved, has become a marsh!

The negroes have moved into the "big house." They have propped the chimney with a pole. They have mended the windows with guano sacks. A bag or two of Western corn lies on the piazza-floor.

Three yellow dogs sleep around the steps, and only at drowsy intervals rouse up and remonstrate with the fleas.

The white picket-fence is gone. It made good kindling wood. The flower yard is gone—sacrificed to the old brindle cow.

And yet, once upon a time, the humming bird would leave its cool nest in the woods to come hither and linger hour by hour, sipping the sweets of the pinks and feasting from the bosom of the imperial rose.

Once upon a time, little white maidens, pure as the lilies they loved, would gather here dainty offerings of courtesy, or of tenderness, and every blossom that bloomed was, by sacred association, a forget-me-not.

Gone is the orchard with its snow-drift of apple blossoms, its aroma of velvet peach; and the spring at the foot of the hill, where the melon used to cool, is choked with weeds; and the path which led to it has had no footsteps upon it in this many a year.

Where are the "old familiar faces"? Gone. There

was a mortgage; there was a lawsuit; there was a sheriff's sale.

This is the short and simple story of farm life in the South.

Ousted from the country, the family "broke up" and "moved to town."

That's the epitaph for a thousand dead farms in Georgia and elsewhere.

What drove them to town? The fact that it was well nigh impossible to prosper in the country. The pitiless burden of unequal taxation, the impossibility of buying or selling except at other people's prices. A currency system which made the farmer and his lands an outlaw from its benefits; these and causes similar to these broke his fortune and broke his spirit—took his home and took his hopes.

This system is false, and it shall die!

There shall be no peace and no truce until this foul outrage upon human rights is obliterated from the face of the earth.

Young gentlemen, there is no grander work for patriotism than the upbuilding of rural life to its true dignity and usefulness and prosperity. If you are inclined in that direction, go, but go with a determination that the present false order of things must end, that you shall not be made a political pariah merely because you are a farmer; that your industry shall not be taxed to death in order that great fortunes shall be built up for other people. Demand of your rulers that the law shall treat your industries just as it treats others, equally as to burdens and equally as to benefits. I would that I could see the glory come back to Southern farms. I would that I could see the gullied fields throw off the sedge and the briar, and take once more to their grown bosoms golden grain. I wish I could see the red June apple of old times hang in every orchard and

could catch the tinklè of the cow-bell in every meadow.

I wish I could see the old folks come back from town, re-shingle the "big house" and reset the flower yard. I wish that I could see every old parlor re-hung with the family pictures, and the weeds and grass cleared away from the graves of those who sleep under the trees in the garden. Would that this country could be built up again, and built up by those who love it most.

Many a time have I walked from field to field on my old farm, my ears filled with the "drowsy hum of bees," while cattle were browsing lazily on the green grass, the spring branch gurgling down the meadow—and mocking birds sending rapturous melody through the summer woods—and I would say to myself: "There can be no better land than this. In earth and sky and water is life and light and fruitfulness. To redeem this heritage were a holy work—to people these solitudes and bring back to darkened homes the contentment and the plenty which by right is theirs."

A great pity swells within me for the toil-worn faces I see in these country lanes and ragged fields —many of them poor old veterans who fought with Lee, and who never knew how cruel man could be to man till they came and began the battle with poverty.

Legislator! Study the condition of this people, and out of your mercy grant them justice!

Editors! You who lead public opinion! Go among these people and count the wounded, the dying and the dead, on the field where they fell, and you will return to your sanctum instructed and chastened, and never again will you mete out to them or their cause your doubts, your scorn or your abuse.

Some traveler of the future may strike this coast and find it a morass, as Rider Haggard's traveler found Africa. He may wonder at mud-covered wharves, make painful way along forgotten canals, penetrate to wasted interiors where our civilization exists in vague tradition, may muse around the ruins of our great cities and wander curiously into the deserted temples—but, if so, the cause will be easy to trace. The worshippers of Truth will have left her sanctuaries, and the glorious statue which represents her will be yet standing in the midst of her silent court—with the hands yet beseeching and the veil yet upon her face.

HENRY WATTERSON.

ONCE A KENTUCKIAN, ALWAYS A KENTUCKIAN

[A speech delivered at the welcome ceremonies to home-comers to Kentucky at the Armory, at Louisville, Ky., Wednesday, June 13, 1906.]

Once a Kentuckian, always a Kentuckian. From the cradle to the grave, the arms of the mother-land, stretched forth in mother-love—the bosom of the mother-land, immortal as the ages, yet mortal in maternal affection, warmed by the rich, red blood of Virginia—the voice of the mother-land, reaching the farthest corners of the earth in tones of heavenly music, summon the errant to the roof-tree's shade and bid the wanderer home. What wanderer yet was ever loath to come? Whether upon the heights of fortune and fame, or down amid the shadows of the valley of death and despair, the true Kentuckian, seeing the shining eyes and hearing the mother-call, sends back the answering refrain:

> "Where'er I roam, whatever realms I see,
> My heart, untraveled, fondly turns to thee."

Behold, in this great, exultant multitude, the proof!

Kentucky! Old Kentucky! The very name has had a charm, has wrought a spell, has made a melody all its own; has woven on its sylvan loom a glory quite apart from the glory of Virginia, Kentucky's mother, and the glory of Tennessee, Kentucky's sister. It has bloomed in all hearts where manhood

and womanhood hold the right of way. The drama of the ages, told in pulse-beats, finds here an interlude which fiction vainly emulates and history may not overleap. Not as the Greek, seeking Promethean fire and oracles of Delphos, nor as the Roman filled with the joy of living and the lust of conquest; not as the Viking, springing to the call of wind and wave, nor as the Latin, dazzled by the glitter of gold, mad with the thirst for glory; neither as the Briton and the Teuton, eager for mastership on land and sea, the Kentuckian, whom we, in filial homage, salute progenitor. He was as none of these. Big in bone and strong of voice—the full-grown man prefigured by the psalmist—never the ocean mirrored his fancies, no snow-clad peaks that reach the skies inspired; but the mystery of strange lands, the savagery of Nature, and the song of the greenwood tree.

The star that shone above him and led him on was love of liberty, the beacon of his dreams, the light of the fireside. He cut a clearing in the wild wood and called it home. He read not romance, he made it; nor poetry, he lived it, his the forest epic, the Iliad of the canebrake, the Odyssey of the frontier, the unconscious prose-poem of the rifle and the camp, the blockhouse and the plow, the Holy Bible and the old field school!

Happy the man who has sat in childhood upon a well-loved grandsire's knee, awed by the telling of the wondrous tale, how even as the Dardanae followed Eneas, the Virginians followed Boone; the route from Troy to Tiber not wearier, nor flanked by greater hazard than that betwixt the shores of the Chesapeake and the falls of the Ohio; the mountain standing, Gorgon-like, across the pathless way, as if, defending each defile, to hold inviolate some dread, forbidden secret; the weird wastes of wilder-

ness beyond; the fordless stream; the yawning chasm; the gleam of the tomahawk and the hiss of the serpent; yet ever onward, spite of the haunting voice of the elements, stripped for the death-struggle with man, spite of the silence and the solitude of reluctant Nature, like some fawn-eyed maiden, resisting his rude intrusion; ever onward; before him the promised land of the hunter's vision; in his soul the grace of God, the fear of hell, and the love of Virginia.

God bless Virginia! Heaven smile upon her as she prepares to celebrate with fitting rite three centuries of majestic achievement, the star-crown upon her brow, the distaff in her hand, nor spot, nor blur to dim the radiance of her shield!

They came, the Virginians, in their homespun in quest of homes; their warrant their rifles; their payment the blood of heroes; nor yet forgetting a proverb the Chinese have that "it needs a hundred men to make a fortress, but only a woman can make a home"—for they were quick to go back for their women; their wives and their sweethearts; our grandmothers, who stood by the side, beautiful and dauntless, to load their fowling-pieces, to dress their wounds, to cheer them on to battle, singing their simple requiem over the dead at Boonesboro, and bringing water from the spring at Bryant's Station, heart-broken only when the news came back from the river Raisin.

I am here to welcome you in the name of all the people of this lovely city, in the name of all the people of this renowned commonwealth, to welcome you as kith and kin; but you will not expect me, I am sure, to add thereto more than the merest outline of the history of Kentucky as it is known to each and every one of you, from the time when the pathfinders, under the lead of Harrod and Henderson, of

Boone and Kenton, blazed their way through the forest, and the heroes led by Logan and Shelby, by Scott and Clark, rescued the land from the savage, to the hour which smiles upon us here to-day; a history resplendent with illustrious names and deeds; separating itself into three great epochs and many episodes and adventures in woodcraft and warcraft and statecraft; the period of the Clays, the Breckinridges and the Crittendens, with its sublime struggle to preserve the Union of the states as it had come down to them from the Revolution, with always the Marshalls and the Wickliffes, the Boyles and the Rowans, the Johnsons and the Browns, the Adairs, the Deshas and the McDowells, somewhere at the fore—"Old Ben Hardin" having a niche all to himself—none of them greater than he; the period of the war of sections, when even the Clays, the Crittendens and the Breckinridges were divided; when, for a season, the skies were hung in sable and all was dark as night, the very sacrifices that had gone before seeming to have been made in vain, the "dark and bloody ground" of barbaric fancy come into actual being through the passions and mistakes of Christian men; and, finally, the period after the war sections, when the precept, "Once a Kentuckian, always a Kentuckian," was met by the answering voice, "Blood is thicker than water," and the Goodloes, the Ballards and the Speeds, the Harlans, the Frys and the Murrays clasped their hands across the breach and made short shrift of the work of reconstruction with the Buckners, the Prestons and the Dukes. Thus it is that here at least the perplexed grandchild cannot distinguish between the grizzled grandfather who wore the blue and the grizzled grandfather who wore the gray.

Kentucky, which gave Abraham Lincoln to the North and Jefferson Davis to the South, contribu-

ting a very nearly equal quota of soldiers to each of the contending armies of that great conflict—in point of fact, as many fighting men as had ever voted in any election—a larger per centum of the population than has ever been furnished in time of war by any modern state—Kentucky, thus rent by civil feud, was first to know the battle was ended and to draw together in re-united brotherhood. Kentucky struck the earliest blow for freedom, furnished the first martyrs to liberty in Cuba. It was a Crittenden, smiling before a file of Spanish musketry, refusing to be blindfolded or to bend the knee for the fatal volley, who uttered the keynote of his race, "A Kentuckian always faces his enemy and kneels only to his God." It was another Kentuckian, the gallant Holman, who, undaunted by the dread decimation, the cruel death-by-lot, having drawn a bean for himself, brushed his friend aside and drew another in his stead. Ah, yes; we have our humors along with our heroics, and laugh anon at ourselves, and our mishaps, and our jokes; but we are nowise a bloody-minded people; the rather a sentimental, hospitable, kindly people, caring perhaps too much for the picturesque and too little for consequences. Though our jests be sometimes rough, they are robust and clean. We are provincial people, and we rejoice in our provincialism. We have always piqued ourselves upon doing our love-making and our law-making, as we do our plowing, in a straight furrow; and yet it is true that Kentucky never encountered darker days than came upon us when the worst that can befall a commonwealth seemed passed and gone. The stubborn war between the old court party and the new court party was bitter enough; but it was not so implacable as the strife which strangely began with the discussion of an honest difference of opinion touching a purely economic question of na-

tional, not state, policy. Can there be one living Kentuckian who does not look back with horror and amazement upon the passion and incidents of those evil days?

General Grant once said to me: "You Kentuckians are a clannish set. Whilst I was in the White House, if a Kentuckian happened to get in harm's way, or wanted an office, the Kentucky contingent began to pour in; in case he was a Republican, the Democrats said he was a perfect gentleman; in case a Democrat, the Republicans said the same thing. Can it be that you are all perfect gentlemen?" With unblushing candor, I told him that we were; that we fought our battles, as we washed our linen, at home, but that outside, when trouble came, it was Kentucky against the universe. Mr. Tilden said of a lad in the Bluegrass country, who had fallen from a second-story window upon a stone paving without a hurt and had run away to his play, that it furnished conclusive proof that "he was destined for a great career in Kentucky politics." Let me frankly confess that, peacemaker though I am, and at once the most amiable and placable of men, there have been times when I, even I, half wanted to go down to the cross-roads "and swear at the court." That was when the majority appeared to think they knew more than I did. We grow so used to blessings that we heed them not and look beyond. Yet, when trouble or danger assails us, or humiliation or sorrow, or when leagues, oceans, continents lie between ourselves and the vanished land from whose sacred lintels ambition has lured us, or duty torn, and the familiar scenes rise up before us, how small these frictions seem, how small they are, and how they perish from us!

I have stood upon the margin of a distant sea and watched the ships go by, envious that their prows

were westward bent. I have marked the glad waves dancing to the setting sun, heartsick with thoughts of home. And thus wistful, yearning, ready to take my dearest enemy by the hand and forgive him, yea, to sop gravy with him out of the selfsame dish, those words of the vagabond poet, whose sins the recording angel long ago blotted out of his book, have come to me and sung to me and cheered me even as a mother's lullaby:

"In all my wanderings round this world of care,
In all my griefs—and God has given my share—
I still had hopes my latest hours to crown,
Among the swains to show my book-learned skill,
Amid these rural scenes to lay me down,
To husband out life's taper at the close,
And keep the flame from wasting my repose,
I still had hopes—for pride attends us still—
Among the swains to show my book-learned skill.
Around my fire an evening group to draw,
And tell of all I felt and all I saw,
And as a hare whom hounds and horns pursue,
Pants to the place from whence at first he flew,
I still had hopes my long vexations past,
Here to return and die at home at last."

Home! There may be words as sweet, words as tender, words more resonant and high, but, within our language round, is there one word so all-embracing as that simple word Home? Home, "be it ever so humble, there's no place like home"—the Old Kentucky Home; the home of your fathers, and of mine; of innocent childhood, of happy boyhood, of budding manhood; when all the world seemed bright and fair, and hearts were full and strong; when life was a fairy-tale, and the wind, as it breathed upon the honeysuckle about the door, whispered naught but of love and fame; and glory strode the sunbeams; and there was no such music as the low of cattle, the whir of the spinning-wheel, the call of the dinner-horn, and the creaking of the barnyard gate. Home—

"Take the bright shell
From its home on the lea,
And wherever it goes
It will sing of the sea.
So take the fond heart
From its home by the hearth,
'Twill sing of the loved ones
To the ends of the earth."

For it's "Home, Home, Home," sighs the exile on the beach; and it's "Home, Home, Home," cries the hunter from the hills and the hero from the wars—

"Hame to my ain countree,"

always home, whether it be tears or trophies we bring; whether we come with laurels crowned, or bent with anguish and sorrow and failure, having none other shelter in the wide, wide world beside, the prodigal along with the victor—often in his dreams, yet always in his hope—turns him home!

You, too, friends and brothers—Kentuckians, each and every one—you, too, home again; this your castle, Kentucky's flag, not wholly hid beneath the folds of the nation's above it; this your cottage, Kentucky-like, the latch-string upon the outer side; but, whether castle or cottage, an altar and a shrine for faithful hearts and hallowed memories. Be sure from yonder skies they look down upon us this day; the immortal ones who built this commonwealth and left it consecrate, a rich inheritance and high responsibility to you and me; who, like the father of Daniel Webster, shrank from no danger, no toil, no sacrifice, to serve their country and raise their children to a condition better than their own. In God's name, and in Kentucky's name, I bid you something more than welcome: I bid you know and feel, and carry yourselves as if you knew and felt, that you are no longer dreaming; that this is actually God's country, your native soil, that, standing knee-deep in bluegrass, you stand full-length in all our homes and all our hearts!

BEN LEE HARDIN.

MOTHER EVE.

[An after-dinner speech, delivered at the E. L. Powell banquet in the First Christian Church, Jan. 19, 1906.]

In this family reunion of the descendants of Mother Eve, we are happy in the thought that all of our other cousins throughout the world will not feel hurt because they are not invited. Think of the inconvenience in procuring interpreters to explain to such a large number what I am talking about. Now, what you want to know this evening are facts—unquestionable and unimpeachable facts. And who is better able to give facts than I?

We have never had a complete biography of the first woman, and, being a kinsman, it is my pleasure and your profit that I detail certain incidents that occurred in that lady's life, heretofore unrecorded. In laying my premises, we will all agree that in the distribution of her estate we received share and share alike of one of her principal assets, and, although it has become a heavy heritage to many by reason of its own increment, they seem to be in the full enjoyment of their undisputed title. Hence the humiliation, in studying our family tree too closely, to find that so much of the fruit has dropped off—and why? Because the rope broke.

According to our best information, Mrs. Eva M. Adam died about six thousand years ago. In her girl life there can be no history of interest. She attended no kindergarten with jam and biscuit for lunch, nor did she finish with Vassar trimmings.

Science of language in any tongue has absolutely failed to put a "y" in her name, for which we are indeed thankful. We find her before the footlights on the stage of action in the twinkling of an eye, from a spare rib to a roast—and what a fearful roast it was!

The first banquet ever had was given by Eve, and Adam was the honored guest, and he ate all the fruit but the core. Before that apple-eating contest, Eve had wandered about the garden inhaling the sweet perfume of flowers with an awakening sense of beauty and ecstatic pleasure of and from Nature as it vitalized and blossomed in her presence. There were moments, perhaps, to her in which innocence and loveliness were so interwoven that the realization of a distinctive personality had not crystalized, nor given vanity a throne and sceptre in the citadel of thought.

With footfall light as the dew, she threaded the vine-embowered paths until she stood beneath the mistletoe. The new god of day, scheduled in its journey by divine edict, lanced and pierced the mist and foliage with beams of silver pencillings and tremblingly kissed the upturned face, then, with romping zephyrs, joined in confusing, weaving and hueing the auburn tresses, woman's crown of glory. Perhaps the morning's mist from the Hiddekel and Euphrates intensified and emphasized her beautiful and close-fitting costume of atmosphere. Without further detailed description of that intangible and inconspicuous gown, we will say that it was balmy and significant in its want of opacity. Thus standing in this pleasure garden, herself so new that retrospection could not be had because of no past, no evolution by progress to perfection, no consciousness from precept, teaching or experience, save that given by the imperial decree of Him who was the begin-

ning and the word; no judgments, opinions or conclusions, no reasoning from cause and effect.

And where was Adam? Presiding at an animal and bug convention, naming and registering live things. What did he know of the mistletoe bough? He was not even in "deshabille"—not even a collar-button.

> "Till Hymen brought his love delighted hour,
> There dwelt no joy in Eden's rosy bower.
> The world was sad, the garden was wild,
> And man the hermit sighed till woman smiled."

Then the serpent appeared, crawling in the dust. And have you ever thought how the daughters of Eve have kept things crawling in the dust ever since? But Eve listened to the subtle tempter, and to her Eden was a paradise no longer. Methinks I can see her, with bowed head, in the light of the flashing sword of the cherubim, as she passed out of the garden, her heart surcharged with a grief so great and overwhelming that her companion in sorrow was lost in the shuffle. Methinks I can hear the wild lamentations:

"Must I leave thee, paradise? Is the garden of pleasure to be a tomb for the ashes of innocence and love? Must all those string beans, squashes and onions go to waste? Is there no chance to re-visit the bargain-counter in that mantua-making emporium among the fig trees to replenish the slimmest of wardrobes? Oh, Adam, Adam, my vagabond husband, go to work. Do something. I can bear up if you will only hustle. Get to be a life-insurance president, even if you have to sweat in the face while under investigation. Have you not, oh, my thin-clad husband, been selected and elected to have dominion over everything? Are you afraid of a contest when the returns are all in and your certificate made out

in your own handwriting? Skin a few goats, dear old boy, and let's have some more clothes."

Adam skulked. Out upon the heath of thorn and thistle, silken threads of hope became as ragged moonbeams dancing and flickering through dead vines upon sombre cliffs, and in the gloaming the water wraith from the vasty deep hovered o'er their heads and, shaking its black pinions, completed her baptism of despair.

And yet it was but the beginning. There must be a fulfilment of the curse of disobedience. Multiplied sorrows yet unfelt, because to Eve it was a separate condemnation. But we are not warranted in the thought that in the climax of an agonized heart a merciful God mellowed and softened the poignancy when she became a mother.

"Ere yet her child had drawn its earliest breath
A mother's love begins, it grows till death;
Lives before life, with death not dies, but seems
The very substance of immortal dreams,
For 'tis a sight that angel ones above
May stoop to gaze on from their bowers of bliss,
When innocence upon the breast of Love
Is cradled in a sinful world like this."

(Original and borrowed—pick it out.) Disobedience was her first and only sin, yet she justified it not. She put in no pleas but that of frailty. Could she not so have defended her overt act as to truthfully declare a want of intent?

An old darky was once arranged before a police tribunal, charged with misappropriating a pair of trousers. On being asked to show cause why judgment should not be rendered, replied:

"I stole dem britches; I acknowledge the corn;
But it warn't no crime as shore as you born.
If de motive wuz right, den den whar's de sin?
I stole dem britches to be baptized in."

But in that condemnation and decree that her sorrows should be many, that her banishment from the beautiful and enchanting Eden was for all time, that no penance or atonement could modify the decree and sentence of an unchanging God, yet she murmured not. She was created to be a helpmeet and companion, and loyal she was to the pronunciamento of creation's executive. And the further condition of the (to her) mysterious dispensation was motherhood. She accepted the sublimest and ever-to-be-reverenced purpose of her creation, and enwreathed upon her brow a diadem so effulgent that it lights the way from a sin-cursed world to the Eden above. Is there a name this side of heaven as sweet and tender as mother? It is lisped in helpless infancy; it dwells upon the lips of childhood; is reverently spoken in matured life; is not forgotten in old age, and when passing to unknown shores is echoed to earth again. And this is another legacy, another bequeathment to the daughters of Eve; and do we all not feel that the pure gold of that heritage is love?—a love so great, so emphasized, that it greets death itself as a privilege. Now, it may be that during the time that Eve was attending to her household duties and seeing to the children, that there were some domestic infelicities existing between the parents. It may be that Adam, in trying to exercise dominion over every living thing, found that his wife was very much alive, and that his authority over her was hardly a tenure; and, coming out second best, he hied himself to some corner grocery, there to discuss the tariff, territorial expansion or rebates. Judging by certain traits in the line of descent, we can authoritatively state that Adam made but few touchdowns with a hoe during the cropping seasons, but, having a free ticket and a reserved seat at the menagerie, he wiled away his nine hundred and

thirty years in fretting over his want of prominence at the family reunions. Mother Eve for many thousand years has been enjoying the forgiveness of Him whose law she transgressed in her hour of temptation. Her earthly crown of maternity has been exchanged for a thornless one of eternal glory. And, yet again, she has left a heritage to her daughters which her sons should hold in sacred trust. But a hushed adulation, pointing to the pure and glorious women who adorn, elevate and link our hopes to a higher and better life, only adequates the truth in heart's language by the tender and respectful silence.

The life of Mother Eve was but the life of us all, and is but a tale that is told. Dust she was, and unto dust she returned. That dust maketh not unclean any page of history, and may we not believe that it has been scattered by the winds of heaven to aid in sustaining the purity of her daughters when confronted with the tempter's wiles?

CHARLES H. SMITH.

BILL ARP'S LECTURE.

Ladies and Gentlemen:—Bill Arp, from whom I got my *nom de plume,* and Big John were samples of the rough, uncultured men, in the newly settled country of North Carolina and North Alabama. Every community had such men. They constituted a large class among the backwoodsmen of the South, from thirty to forty years ago. They were generally poor and uneducated, and they enjoyed life more than they enjoyed money. They were sociable and they were kind. When one was sick they nursed him; when he died, they dug his grave and buried him, and that was the end of the chapter. As the Scriptures say of the old patriarchs, "And Jared lived to be 800 years old and he died." There is no other epitaph or obituary.

A little farther north are the simple mountaineers of East Tennessee, and their kindness and generosity is only exceeded by their poverty. One day Eli Perkins says he was riding up along the foot of the Cumberland mountains in East Tennessee, when he met the typical East Tennessean and the following dialogue ensued:

"Which way is the county seat?" asked Eli.

"I didn't know," she said, with a look of wonderment, "that the county had any seat."

"What is the population of your county?"

"I dun no," said the old lady, chewing her snuff stick, "I reckon it's up in Kentucky."

A mile farther on, the same rider met one of those

smoke-colored Tennesseans and his wife. Their sole possessions seemed to be a brindle dog and a snuff-stick.

"Got any whisky about yer?" asked the old clay-eater.

"Whisky is a deceitful, dangerous and unhealthful drink," said Eli, "I'm sorry to hear you ask for it."

"Whisky!" said the old Tennessean, "why, whisky stranger, it's the best drink in the world. That's what saved Bill Fellers' life."

"But Bill Fellers is dead—died five years ago," said a by-stander.

"That's what killed him—didn't drink any whisky. Poor Bill, he never knew what killed him. How he must have suffered."

Then there was a middle class, who owned and worked their own farms and built churches and jails like civilized people, and filled them with their best citizens. They were good Methodists and Baptists, and obeyed the law—as Webster used to say, re-spec-ta-ble cit-i-z-e-n-s!

But there was still another class that more signally marked the people and the history of the South—a class of more ambition and higher culture. The aristocracy of the South was, before the war, mainly an aristocracy of dominion. The control of servants or employes is naturally elevating and ennobling, much more so than the mere possession of property. The Scriptures always mention the number of servants, when speaking of a patriarch's consequence in the land. This kind of aristocracy brought with it culture and dignity of bearing. Dominion dignifies a man just as it did in the days of the centurian who said, "I say unto this man go, and he goeth, and to another come, and he cometh." Dominion is the pride of a man—dominion over something. A negro is proud if he owns a possum

dog, and can make him come and go at his pleasure. A poor man is proud if he owns a horse and a cow and some razor-back hogs. The thrifty farmer is proud if he owns some bottom land and a good horse and top buggy, and can take the lead in his country church and country politics. But the old Anglo-Saxon stock aspires to a higher degree of mastery. They glory in owning men, and it makes but little difference whether the men are their dependents or their slaves. The glory is all the same if they have them in their power. Wealthy corporations and railroad kings and princely planters have dominion over their employes, and regulate them at their pleasure. It is not a dominion in law, but it is almost absolute in fact, and there is nothing wrong or oppressive about it when it is humanely exercised. In fact, it is generally an agreeable relation between the poor laborer and the rich employer. An humble, poor man, with a lot of little children coming on, loves to lean upon a generous landlord, and the landlord is proud of the poor man's homage.

The genuine Bill Arp used to say he had rather belong to Col. Johnson than be free, for he had lived on the Colonel's land twenty years, and his wife and children have never suffered, crop or no crop; for the Colonel's wife threw away enough to support them, and they were always nigh enough to pick it up.

He was asked one day how he was going to vote, and replied: "I don't know until I ax Colonel Johnson, and I don't reckon he can tell me, till he sees Judge Underwood, and maybe Underwood won't know till he hears from Alek Stephens; but who in the dickens tells little Alek how to vote I'll be dogged if I know."

Those simple people had their courtings and matings. They had their coon hunts and country par-

ties, that the aristocracy farther South knew nothing about. They used to have a unique kissing game up there in the mountains that they still keep up over in East Tennessee. This is the way they practiced it:

A lot of big-limbed, powerful young men and apple-cheeked, buxom girls, gather and select one of their number as master of ceremonies. He takes his station in the center of the room, while the rest pair off and parade around him. Suddenly one young woman will throw up her hands and say:

"I'm a-pinin'."

The master of ceremonies takes it up and the following dialogue and interlocution takes place:

"Miss Arabella Jane Apthorp says she's a-pinin'. What is Miss Arabella Jane Apthorp a-pinin' fur?"

"I'm a-pinin' fur a sweet kiss."

"Miss Arabella Jane Apthorp says she's a-pinin' fur a sweet kiss. Who is Miss Arabella Jane Apthorp a-pinin' fur a sweet kiss frum?"

"I'm a-pinin' fur a sweet kiss frum Mr. William Arp." (Blushes, convulsive giggles and confusion on the part of Miss Arabella Jane Apthorp at this forced confession.) Mr. William Arp now walks up manfully and relieves the fair Arabella's pinin' by a smack which sounds like a three-year-old steer drawing his hoof out of the mud.

Then a young man will be taken with a sudden and unaccountable pinin', which after the usual exchange of questions and volunteered information, reveals the name of the maiden who causes the gnawin' and pinin'. She coyly retreats out doors, only to be chased, overtaken, captured and forcibly compelled to relieve her captor's distress.

At one of these entertainments which it was the narrator's fortune to attend, there was a remarkably beautiful young woman, who had been married

about a month. Her husband was present, a huge beetle-browed, black-eyed mountaineer, with a fist like a ham. The boys fought shy of the bride for fear of incurring the anger of her hulking spouse. The game went on for some time, when symptoms of irritation developed in the giant. Striding into the middle of the room, he said:

"My wife is ez pooty, 'n' ez nice, 'n' sweet ez any gyurl hyah. You uns has known her all her life. This game has been a-goin' on half an hour, an' nobody has pined fur her onct. Ef some one doesn't pine fur her pooty soon, thar will be trouble."

She was the belle of the ball after that. Everybody pined for her.

The dominion of the old aristocracy of the South was not over their own race, as it was at the North, but over another, and it was absolute both in law and fact:

But now a change has come! There are only two general classes of people at the South—those who have seen better days and those who haven't. The first class used to ride and drive, but most of them now take it a-foot or stay at home. Seventy-five per cent of them are the families of old Henry Clay Whigs.

When I was a young man, a Whig girl deemed it an act of amiable condescension to go to a party with a Democratic boy. But the wear and tear of the war, the loss of their slaves, and a mortgage or two to lift, broke most of these old families up, though it didn't break down their family pride. They couldn't stand it like the Democrats, who lived in log cabins, and wore wool hats and copperas breeches.

I speak with freedom of the old Georgia democracy, for I was one of them. The wealth and the refinement of the state was in the main centered in

that party known as the old-line Whigs. Out of 160 students in our State university, thirty-five years ago, 130 of them were the sons of Whigs. I felt, politically, lonesome in their society, and was just going over to the Whig party, when I fell in love with a little Whig angel who was flying around. This hurried me up, and I was just about to go over to that party, when suddenly the party came over to me, I don't know yet whether that political somersault lifted me up or pulled the little angel down—but I do know she wouldn't have me, and at last I mated with a Democratic seraph who had either more pity or less discrimination. She took me, and she's got me yet; she surrendered, but I am the prisoner.

E. Y. MULLINS.

CHRIST'S LAW OF SERVICE.

Text: Matthew 20:28, "The Son of Man came not to be ministered unto but to minister."

In Christ's teaching the emphasis fell on two chief points in regard to man. The first had to do with his relations to God. Christ did not classify men educationally, as ignorant and learned; or financially, as rich and poor; socially, as belonging to lower or higher classes; nor even morally, as good and bad, for the bad could become good if they would. Christ classified men religiously, as believers or unbelievers. Thus he emphasized their relations to God. This is the primary thing in human character—faith.

The other point he emphasized was character as growing out of faith. What kind of life does your faith produce? One has said, you may define character as salvation if you think of it as deliverance from evil; or as redemption if you think of Christ's sufferings to secure it; or as heaven if you think of the inner blessedness which comes with it. But the best definition of character on its earthly side is service. For service implies a preceding salvation, and it can only be rendered in the Christian sense when the redemptive law of Christ operates in us and we are willing to suffer in order to serve. And service brings a foretaste of heaven.

1. Observe first the New Testament law of service.

The New Testament reverses the ordinary law of human greatness. To be great was measured by the number of slaves or servants a man owned. Christ taught that greatness was measured by the number of our fellowmen we can serve. Not the crown or sceptre was the measure of greatness. He that is least, he that is servant of all, shall be greatest, was Christ's word.

Christ taught that service is the real attitude towards evil. Several attitudes are possible as a man looks out on the evils of the world. He may become a cynic and say it is all hopeless. Or he may become a revolutionist. But, says the New Testament, that is not the way to change the world. Revolution is only a temporary cure for the evils. You put down your Cæsar or Nero by revolution, and human nature will reassert itself and a new Cæsar or Nero will mount the throne and rule the world. You roll your stone of reform or revolution laboriously and painfully to the top of the hill, and the law of gravitation makes it slip from your grasp, and down it goes to the bottom, and all your work is to be done over again. "It was a proof of the matchless greatness of Jesus that he stood three years in the presence of the Roman Empire and never struck it once," says Charles Jefferson. His business was to strike the human heart, and by striking the human heart he overturned the Roman Empire.

If you adopt the method of reform merely, then you will have to have a new reform for every evil. It would be like trying to keep a hunting dog for every wolf or every bear which menaced the farm.

No, says Jesus. Service is the Christian Law for regenerating the world. In the parable of the talents we learn that use is the law of the Kingdom and that disuse debars from the Kingdom. In the par-

able of the rich man and Lazarus we learn that with the needy suffering at our gate we dare not live on in forgetfulness of his sores and poverty, on pain of being sent to the realm of anguish, which was built on the abode of the selfish. In the parable of the blighting and withering of the barren fig tree we learn that there is not standing room in God's world for the unfruitful life.

In that lowly act of Jesus in the upper chamber we have the glorification of service. "Knowing that he came from God," says John, conscious of his preincarnate glory; and "knowing that he goeth to God," he adds, conscious of the glory which was to follow, Jesus took a basin of water and napkin and removed the sandals of the disciples and according to oriental custom bathed their dusty feet. This lowly act of service was a pearl to be strung on the same string with his premundane and postmundane glory. It was as a pebble set in a framework of diamonds. It was as a clod between pillars of gold. It was as a piece of charcoal surrounded by stars. To serve is to be like God.

* * *

II. Observe in the second place, then, that service is the touchstone of all human endeavor. However vast the enterprise, it will come to naught unless it conforms to the law of service. However lowly the deed, it will not fail of reward if it is a deed of service. The pyramids of Egypt were built by kings to glorify themselves. A hundred thousand men were employed altogether, and it took nearly half a century to build the large pyramids. Try to imagine the human toil and anguish of the slave driven by the master's lash to rear these piles of stone with square base and triangular sides four hundred to five hundred feet into the air. And for what? To serve as granaries? No. To serve as

astronomical observatories? No. To serve as lighthouses? No. But to enclose the body of the Egyptian monarch when he died. What then is the judgment of human history against the pyramids, the judgment of human reason and of God? This, that they serve no adequate purpose. They cannot be linked into the world's civilization in any helpful way. They are monuments, not of service, but of human pride. They are useless. They are barren fig trees.

There is another ancient structure in Athens known as the Parthenon, erected by the Greeks in the age of Pericles as a temple. It is in every sense a worthy product of Greek architectural genius. Capable judges praise its incomparable beauty and grace, and lament that the ravages of time have marked some of its lovely lines of beauty. In the British Museum among its rarest art treasures are pieces of statuary taken from this ancient temple. How useful this ancient structure? Formerly used for worship and through the ages giving instruction and inspiring to higher things in art. The judgment of history on the Parthenon is that it served a useful end, and men would preserve its small part as long as possible.

Now, these things are a parable. Mankind may be divided into two classes, Pyramid builders and Parthenon builders. There are little pyramids and great pyramids, little Parthenons and great Parthenons. But every human being builds one or the other with his life. The Parthenon represents the law of service; the pyramid represents human vanity and ambition.

Public office is a public trust. Service should be the law of all public life. Too often politicians and political parties use their opportunity to erect pyramids instead of Parthenons. Have you talent

of any kind? Wealth? Position? Influence? Remember that the call upon you by the gospel of Christ is use it to build a Parthenon. Serve.

The joy of service is greater than the joy of being served. The child whom the faithful mother has nursed back to health may have more joy than the mother, but I doubt it. The patient whom the skilled physician or surgeon has brought back to health and life may have more joy than the physician or surgeon, but I doubt it. The redeemed soul whom the good shepherd sought in the wilderness and storm, perishing of cold, and brought back to the fold, may have more joy than the good shepherd, but I doubt it. The redeemed host in heaven with palms of victory and hallelujahs of rapture may have more joy than the Saviour who purchased them with his own blood, but I doubt it.

I apply the same law of service to the universe as a whole. Astronomy has amazed us by its revelations of the vastness of the physical creation, and we agree with the psalmist in saying the heavens declare the glory of God, the firmament showeth his handiwork. But this is not all. The universe is not a pyramid but a Parthenon. It is not an end but a means. There is some great use, some wondrous shining goal ahead, which God is going to achieve through this vast and ponderous frame. As there is "one God, one law, one element," so there is "one far-off divine event to which the whole creation moves."

We have sometimes failed to combine the two principles of progress, the radical and the conservative. Both principles are valid. Both are fraught with danger. In a flower garden every man should be a conservative as to flowers and a radical as to weeds. Every physician should be a conservative as to health conditions and a radical as to disease

germs. The statesman should be a conservative as to law and liberty and a radical as to anarchy and crime. A housekeeper will be a conservative as to the contents of the pantry and a radical as to mice. Conserve the beneficent and wholesome things; destroy the injurious. The danger of the conservative is that he will conserve the evil and the error, and the danger of the radical is he will root up the good and true.

We have not always been controlled by our ideals and affinities so much as by our antipathies and oppositions, not by our likes but by our dislikes. A man's enemy may dominate his life by imposing upon him the law of his conduct. A man who orders all his actions to circumvent his foe is the worst kind of a slave of that foe.

A man is transformed by the thing he contemplates. "Vice is a monster," etc. This also is true:

> "Virtue is an angel of such gracious mien
> That to be loved needs but to be seen.
> When seen full oft, familiar with her face,
> We first admire, then welcome, then embrace."

We should be a race of lovers, not a race of fighters. Our work is constructive, not destructive. We need the mood of all the great builders, because our task is essentially a constructive one. We need the imagination of the architect because we are building a human temple with living men as stones. We need the passion of the great poet, because divine fire alone can fuse human spirits into the unity and glory of the image of God. We need the patience of the great painter and sculptor, because the human material on which we labor is refractory and yields but slowly. We need the inspiration of the great composer, because we live essentially in a world of spiritual harmonies, and it is only as we are swayed by the eternal music that is sounding itself

forever through the heart of God that we can do his work in the world. We need the sense of proportion of the landscape gardener and his skill in combing the features of a landscape into harmonious unity, because we must take human nature as it is, with all ranks and conditions, and combine it into spiritual harmony. We need the constructive genius of the great statesman, because we are a vast people ourselves and deal with vast problems. We need education and culture because our method of winning men is the appeal to reason and conscience. We need skill to touch human motives and the springs of human action, because we can only appeal to men through the highest there is in them. We cannot compel men by authority or attract them by external pomp and grandeur. We have but one way of making men, and that is the lure of the eternal, the fadeless splendor of righteousness, the matchless potency of love, and the undying power of religion itself.

III. Consider next the cost of service. Christ "gave his life" a ransom for many. All the best things are produced at great cost. No science has calculated fully the heat and pressure required in nature to produce diamonds. Human genius has not yet cast up the cost in sunlight and moisture and electricity and carbon and vital force to produce the lowliest plant.

If we could trace the processes of nature, we would find that dying to live is the great underlying principle. A natural force or energy passes out of one form, dies to its old self, in order to rise to a new form of existence. The electric light that blazes above you on the street at night is the transformed energy of the coal which heated the furnace and produced the steam to operate the dynamo. The coal surrendered itself to the flame and rose on stepping

stones of its dead self to higher things. The fern-plants or other vegetable life of a past age gave up its being to become the coal beds of nature. They, too, rose on stepping stones, etc. The ferns and vegetation drew their energy from the heat and power of the sunlight of the primitive age which nourished them. The sunlight thus died that it might live again in the ferns. Thus we pass from electric light through coal beds to primitive sunlight. We might apply with some variation of language the very words of the apostle (Phil. 2:6) in reference to Christ, to the primitive sunshine: "Being in the form of sunshine, it counted it not a thing to be grasped to be on an equality with the sun, but emptied itself and took the form of the fern-plants and coal beds and lay buried for ages in the heart of the earth; wherefore man hath highly exalted it and given it a name above the other forces of nature in causing it to illumine his darkness and dispel his shadows."

This means that the world is built on the principle of the cross, that real service costs life. If we could begin with the tiniest plant or flower, and unlock the secret door and enter the secret path leading back to the secret of its being and the real forces which make it, I think we would find it leading upward and shining with increasing brightness until at last we would stand before the eternal God, and we would discover that the ultimate secret of life, that baffling mystery of science, is God giving himself.

We would thus see that all the universe is a place where God is doing what Jesus did in the upper chamber when he bathed the dusty feet of the disciples. The sunlight is his towel and the clouds his basin which he carries about to minister to the needs of every living thing.

SAM JONES.

THUNDER AND LIGHTNING ON SINNERS HEADS.

Brothers and Sisters: I don't care so much about my text as I do about my sermon, but did you ever see such a string of pearls as this text—such a monosyllabic utterance?

Let-your-light-so-shine-before-men-that-they-may-see-your-good-works-and-glorify-your-Father-which-is-in-Heaven.

I have frequently gone into a community, and, while there, I have kicked the bushel off a great many men's lights, and they would fall out with me and say I put their light out. And I didn't. Their light had gone out over ten years before, when they went and turned that bushel down over it. It went out the minute they turned that bushel over it. Sometimes it is the bushel of neglect. Sometimes it is the bushel of willful transgression. Sometimes it is the bushel of avarice. And there are a thousand bushels that will be furnished you at any time you want one to turn down over your light. And at any moment, if you put a bushel over your light—if your light was burning and you have taken and turned a bushel and put over it—you will find your light is out. And don't be foolish enough to think that the man that removed the bushel put your light out. It was the bushel turned down over it that put the light out.

Never mind about other people's lights. Look after your own light. Some clergymen, instead of

shedding their own light by preaching Christ, are looking after Tom Paine and Ingersoll—looking after false lights.

Who cares about Bob Ingersoll's infidelity, and who cares about anybody else's infidelity? The difference between Ingersoll and the churchman is that the man in church believes everything, and won't do anything, while Bob Ingersoll is a sort of theoretical infidel, who gets $1,500 a night for being one, and you dead Christians here, like fools, are one for nothing and board yourselves. That's all there is about it.

Church members should let their lights shine by their actions. Win the sinner by love. A worldly man entered one of the churches in Indianapolis, and was allowed to stand fifteen minutes in the aisle. Then he walked around to another aisle. No Christian offered him a seat. By and by, after he got tired out standing, he leaned over to a brother who had his light under a bushel, and ventured to inquire:

"What church is this?"

"Christ's church, sir—Christ's," said the church member, impatiently.

"Is he in?" asked the man, meekly.

The churchman left his light under the bushel and went and got the stranger a seat. He was so mad about it that when he got back to his bushel the light was out.

How many Christians here to-night have put out their light?

Many clergymen, instead of making Christ shine, are trying to shine themselves. Their sermons are not to save sinners, but they are made to win the praise of men. They read well, but they don't save souls.

The good, old colored sexton in Memphis jumped up one day, and said:

"Brethren, I've been hearing this book-preaching for years. Our pastors don't put the fodder down low enough. I went to see our preacher in his study this morning and he had six books open before him. I said to him:

" 'Brother, if you get one sermon out of six books, you are going to put that fodder up where I can't reach it, and where a great many others can't reach it, and we will all go in, Sunday morning, hungry, and come out starving—starving for Christ's plain, simple food.' "

And that's a fact. Every one can reach a thing when it is on the ground, and as far as I am concerned, I believe it is the Christly way to find a common level and stand on that level to preach to the masses. And if you see me drop down at all while I am here, you may know that I am seeking a level, and that's all the meaning there is in it at all. If you see my style don't exactly suit you, and the grammar, and rhetoric and logic are a little butchered, I am just endeavoring to adapt my style to my crowd; don't forget that, and I'll find your level before I leave you.

I want a man to do everything in earnest.

If I see a young lawyer, instead of pouring over Blackstone, spending his evenings in saloons or flirting with girls along the street, it don't need the tongue of a prophet to say that fellow will never get but one case and the sheriff will get his client.

I see a young fellow starting out to be a doctor. I see him loitering away his time and spending his evenings in parties, and paying no attention to physiology and anatomy and hygiene, and so forth. I turn around and I can see what you will be. You will have but one patient, and the undertaker will

get him next day, and that will wind up your practice.

I see a preacher starting out. He never looks in a book, never thinks, never studies; he is going to open his mouth and let the Lord fill it. Well, the Lord does fill a fellow's mouth as soon as he opens it, but He fills it with air. And there's many an old air-gun going through this country professing to be a preacher. I have listened to some men preaching an hour, and they didn't say one thing in the hour; and I got perfectly interested seeing how the fellow could dodge every idea in the universe and talk an hour. I just watched him. That kind of preaching is worse than book-preaching.

I see a farmer the first three months of the year, instead of cleaning out his fence corners and repairing his fences and turning his land and being just as energetic and active in January as he is in May—instead of that he is loitering around doing nothing. I don't need any tongue of the prophet to tell how he will come out farming. I have seen him down South. I have watched him, and I have told him before he started in how he would come out, too. Said I: "I'll tell you what will happen to you. You'll buy your corn from the West; you put in forty acres to the old mule;" and, said I, "before the year is out the grass will have your cotton, and the birds will have your wheat, and the buzzards will have your mule, and the sheriff will have you; and that's about where you'll wind up." Didn't mean anything—that's the trouble.

But, on the other hand, when I see a young lawyer pouring over his books day after day, and night after night he burns the midnight oil, and I see the blood fading from his cheek, and his eyes growing brighter every day, I don't need the tongue of the prophet to tell you there will be one day a judge of

the supreme court; that there will be one day one of the finest lawyers that America ever produced.

You let me watch a fellow the first three months after he joins the church, I can tell you whether he means business or not. I see him begin to stay out of his prayer meetings, and begin to neglect his duty, and begin to think that he has got more religion than he wants, and he'll run the rule of subtraction or division through it, instead of the rule of addition, and I know just about where he'll land at. You are there now. When I see a man come into the church of God Almighty, and he feels like "I'm going to take every chance for the good world, I'm going to get all the good out of everything that comes my way, or comes within a mile of me, or ten miles of me," and I see him do his best, and at his place, and he is drawing in from all sources in Heaven and earth, and I see that man as he begins to move forward in his church, and begins to be one of the pillars in church—I don't mean p-i-l-l-o-w-s—you've got a great many of this sort of pillars in your churches in this town, good old cases for others to crawl in, and lay their heads on, and go to sleep; that sort of pillows! downy fellows!

If I had children who would not read a book, and who would not be interested in any thing that ought to be interesting to intelligent beings, I would learn them all to play cards. The little simpletons, I would run them on that line. If I had a daughter who was such a simpleton that she had only just sense enough to behave herself, I would send her to a hook-nosed French dancing-master, and I would tell him to make her graceful, and "if her head is a failure, I want you to make it up on the feet." The law of compensation, of checks and balances, ought to work here, ought it not? I would say to the hook-nosed Frenchman: "Bring her feet up right. She is

a failure in her head." I would learn her to dance gracefully, and marry her off to some ball-room dude, and buy them a place away off in the country, and tell them never to come and see me. When I got anxious to see them, I would take her mother, and go and see them.

Of course, this is irony, for I should never have such children, and you all know that I am opposed to dancing.

I was sitting in a train some time ago, and the train rolled up to the station, and just up on the platform, near by, were three ladies. One of the ladies said to the other:

"Are you going to the ball to-night?"

"No, I'm not going," was the reply.

"Oh, I forgot. You Methodists don't go to such places. Pshaw! I wouldn't be a Methodist; I want to enjoy myself."

"Well," said her friend, "I am a Methodist—thank God—and I don't want to go to such places."

"No Methodism for me!" and then the train rolled off, and I felt like jumping on the top of that train myself and hollering, "Hurrah for Methodism!" And whenever she goes into co-partnership with ball-rooms and with all of the worldly amusements that embarrass the Christian and paralyze his power—whenever the Methodist Church goes into co-partnership with these things, I will sever my connection with her forever. And I love her and honor her to-day because she has stood like a bulwark against these things, and denounced them from first to last.

"Oh," but you say, "I don't believe in Puritanism. I don't believe in that. I believe the Lord means us to enjoy ourselves a little."

Yes, that is the way I used to talk.

"Why don't the Lord want us to dance? There ain't no harm in that," you say.

I tell you, I can go to houses—houses morally dark and morally degrading as perdition itself—and I can look at that poor, lost woman and ask her, "Where did you take your first downward step to death and hell?"

"At a ball-room," she says.

There is not a family—I speak it because I believe it—there is not a family in the city of St. Louis where the father who trains his children for ball-rooms and germans can lay his hands upon the head of his daughter and say: "This daughter will die as pure as an angel." You can not say it. Other men's daughters as pure, as lovely as yours, have been down with the devil's feet on them—and a woman never gets up when the devil puts his feet on her once! Submission to Christ—there is the test.

Imagine Christ dancing.

I never saw a spiritual man in my life who would stand up and ask me, "Do you think there is any harm in the dance?" Why don't you ask me if I think there is any harm in a prayer meeting, or I think there is any harm in family prayer? You know there ain't. And whenever you hear a fellow asking if there is any harm in the dance, you can reply, "You lying old rascal, you know there is."

Mr. Jones, turning to the ministers seated behind him, asked, "Why don't you say Amen?"

That young man says, "I would join the church, but I love to dance." That young lady says, "I would join the church but I love to dance." Well, young lady, go on. We will say that you go to two hundred balls—that is a big allowance, ain't it?—and that you dance hundreds of sets. By and by you die without God and without hope, and down

into the flames of despair you go forever; and as you walk the sulphurous streets of damnation you can tell them: "I am in hell forever, it is true, but I danced four hundred times, I did." Now, won't that be a consolation?

What do you want to dance for, young lady; what use is it to you? If I had to marry a dozen times—and I am like the Irishman who said he hoped he would not live long enough to see his wife married again, if I had to marry a dozen times, I would never go to a ball-room to get my wife. I used to dance with the girls, but when I wanted to marry I did not go to the ball-room to get my wife. A fellow might possibly get a good one in the ball-room, but many a fellow hasn't. God gives a man a good wife but he gets a bad one from the devil, and he has to go where that devil is to get her.

What good does it do you to be able to dance? Take the best girl in this town after her family is reduced to a fearful crisis by her father's business reverses. Now they are poor and that girl must earn a living. I will introduce her to a dozen of the leading citizens of the town, and give her a worthy recommendation in every respect. She is just what everybody would want as a music teacher, as a clerk or in any other capacity, but I will add as a postscript to the recommendation "she is a first-class dancer," and that will knock her out of every job she applies for in this world. And so with every sin. And I declare to you to-night that the thing that keeps us away from God and out of the church, that is the price we put on our soul.

Then there is the man who wants to drink.

He says: "I would be religious if it were not for so and so," and I never think of this without thinking of an incident in which a husband sat by his wife at a revival meeting. When the penitents were asked

to come to the altar, he was asked by his wife: "Come, won't you give yourself to God?" He shook his head and went home.

That night she said to her husband, "I saw you were affected. I wish you had given your heart to God."

He said: "Wife, I can not be a Christian in the business I am in."

She said: "I know that."

He was a liquor dealer.

And she added: "Husband, I want you to give up your business and give your heart to God."

"Oh, wife, I can't," he said, "I can't afford it."

"Well, husband," she said, how much do we clear every year on whisky?"

"We clear $2,000 a year, my darling."

"But how long, husband, shall we live to run this business?"

"Twenty years, and then we'll have $40,000."

"Forty thousand dollars! Now, my darling husband, if we could get $40,000 all in a lump, would you sell your soul to hell for that sum? Would you?"

"No, wife," he said. "No, no! no!! I'll close out my business in the morning and I'll give my heart to God right now. I would not sell my soul for four million dollars!"

Christ will save us if we follow Him; God will shield us if we trust in Him.

I learned a great lesson in my relations toward God in a little incident that happened at my own home. We had in our employ a colored servant girl nursing for us. She was rather a careless, indifferent servant. I was sitting in the room one morning, just after breakfast, and this girl walked in and my wife said:

"Sally, you can go to your home this morning, and

tell your mother to come over after awhile and I will pay your wages to her. I don't want you any longer, Sally, you may go."

I looked up from my book and the girl stood there, full face toward my wife, and the tears commenced running down her cheeks, and directly she turned to my wife and she says:

"Mrs. Jones, please ma'am, don't turn me off. I know I'm the poorest servant you ever had, but I don't want to be turned off. Please ma'am keep me."

I commenced to beg for the poor girl, and said: "Wife, bear with her a little while longer." And then I thought to myself: "If the Lord Jesus were to come down this morning and discharge me and tell me, 'I don't want you any longer,' I would fall down at His feet and say: 'Blessed Savior, don't turn me off. I know I am the poorest servant you ever had, but, blessed Christ, keep me in Thy life employ.' "

Oh, blessed Christ! So good to us! So merciful to us! But we must stand by God if we expect Him to stand by us. We must stand as firm as old Daniel did. They got after Daniel, you know, and said:

"If you don't stop prayin' to God and go to prayin' to the king, he'll put you down in the lions' den."

"Let them do what they please," said Daniel, and down he went on his knees and the next minute he went. He knew that if he did wrong he would go to hell; if he did right he'd go to heaven. God went down with him into the den, and the first thing Daniel knew a big lion went to sleep and Daniel stretched himself by his side, and, pillowing his head on the shaggy mane of the brute, said: "This beats hell. I choose to serve God, forever, and I stand in no fear of kings."

Now, don't find fault with me; I'm doing the best I can. Don't find fault because there is an occa-

sional laugh. I don't care what a man does while I'm skinning him; if he laughs, it is all right. But if you will hold while I skin the price of hides will go down, I assure you of that.

I was getting on a railroad train some months ago in my state, and a gentleman boarded the train at one of the stations, and, after shaking hands and talking a moment, I asked him the news.

"Well," he said, "nothing special, I believe, except I came very near being killed last night."

"How was that?" I asked.

Said he: "The agent at the depot in our town was lying on the platform of the depot, drunk. He had been drunk several days. I went up to him to help him into the depot, and when I did so, he jerked out his pistol and shot at me twice, and came very near hitting me."

"Well," said I, "do you mean to say that the agent at the depot in your town had been drunk for several days? Why," I said, "the officers of this road are very strict with their employes. How is it this man maintains his position if he drinks that way?"

"I can't tell you, sir," said the gentleman, "only this man, this agent, is brother-in-law to the president of the road."

Well, when he said that, I saw it all in a moment, and then I said to myself: "How is it that God puts up with me as He does? How is it that God had borne with me as he has?" And I found the answer is this: Not because God was my brother-in-law, but because God was my father; and isn't it astonishing how God will bear with His children?

Let your light so shine—but bridle your tongues? O, how much damage our idle tongues have done!

Husband, how often have you wronged your wife with your tongue? Wife, how often have you

stabbed your husband by a hasty word? Mother, how often has your child winced and shrunk away from you under the merciless power of your tongue?

The prettiest, whitest tombstone I ever saw, and the prettiest epitaph I ever read was when I visited an old friend in Georgia. He said he had lost the best wife a man ever had, and he led me out to the little white tombstone. There were only a few words on it—the date of her birth and her death—and then, underneath, this one line:

"She made home pleasant."

Of all the places in the world, home should be the most pleasant; but this can never be without bridled tongues. The wife, as she bends over that pale, waxen face, cries out in the agony of her heart, "Husband, precious, forgive those unkind words." The husband as he stands by the coffin and looks upon the last remains of his wife, cries out, "Good Father, forgive every unkind word I uttered." My innocent little child runs into my study, where I sit, worn out with writing. It is little five-year-old Bob, or perhaps four-year-old Laura, and he gathers my arm and scatters the ink. Then I turn around and say:

"Oh, you little brat!" or "You mischievous little wretch, get out of here!"

He straightens up with a look of surprise, turns around and walks out of the room. I try to go ahead with my work, but I don't write five lines. I say "He didn't think. I will hunt him up and beg his pardon." I go out on the back porch and there I find little Bob crying as if his heart would break. I take him up in my arms and say, "Forgive me, my little pet; I didn't think." And the little one sobs out:

"Mamma told me not to bother you, but I forgot. I ask you to forgive me."

O, if you want to be received into the inner kingdom, you must have a converted tongue.

Oh, these tongues of ours! These tongues of ours! We Methodists pour the water on, and the Presbyterians sprinkle it on, and the Baptists put us clean under, but I don't care whether you sprinkle, or pour, or immerse, the tongue comes out as dry as powder. Did you ever see a baptised tongue? Say, did you? Did you ever see a tongue that belongs to the church? You will generally find the tongue among man's reserved rights. There come in some reservations, and always where there is a reservation the tongue is retained. The tongue! The tongue! The tongue! Pambus, one of the middle-age saints, went to his neighbor with a Bible in his hand and told him, "I want you to read me a verse of Scripture every day. I can't read, and I want you to read to me." So the neighbor opened the Bible and read these words:

I will take heed to my ways that I sin not with my tongue.

Pambus took the book out of his hand and walked back home, and about a week after that the neighbor met him, and he said:

"Pambus, I thought you were to come back and let me read you a passage of Scripture every day?" and Pambus said:

"Do you recollect that verse you read to me the other day?"

"No," said the neighbor.

"Well," said Pambus, "I will quote it:

I will take heed to my ways that I sin not with my tongue.

"And," he said, "I never intend to learn another passage of Scripture until I learn to live that one."

Oh, me! If every man, woman and child in this

house to-night would go away from here determined to live that passage of Scripture.

Once in Jerusalem a great crowd—it was 1,800 years and more ago, as the legend goes, or the allegory—a great crowd was gathered in Jerusalem, and they were gathered around a dead dog, and they stood and looked, and one of them said:

"That is the ugliest dog I ever saw." Another said: "Oh, he is not only the ugliest dog I ever saw, but I don't believe his old hide is worth taking off him." Another said: "Just look how crooked his legs are." And so they criticised the poor dog. And directly one spoke up and said, "Ain't those the prettiest, pearly white teeth you ever looked at?" And they walked off and said, "That must have been Jesus of Nazareth that could have found something good to say about a dead dog." Oh, me! I like those people that always like to see something kind in people in their ways and walks of life. As bad as we are maybe Jesus will see something good in us.

Down South before the war we used to put a nigger on the block and sell him to the highest bidder. Sometimes he would run away and we could not get him on the block, but we would sell him on the run.

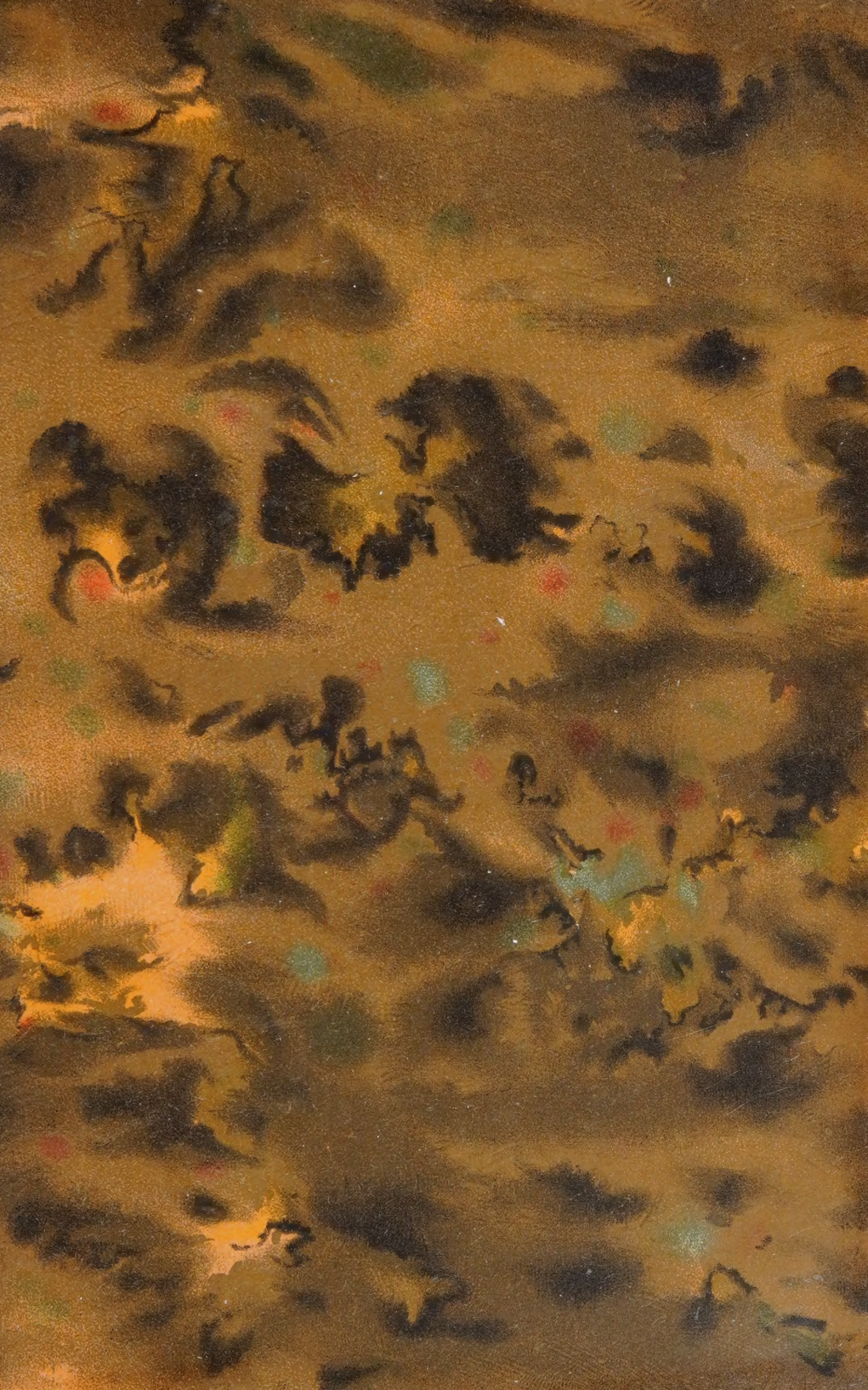
"How much for him running away."

Well, brother, when God Almighty turned this world over to Jesus Christ he turned it over on the run, running away from God, running away to hell and death, and the Lord Jesus Christ came as swift as the morning light and overtook this old world in her wayward flight, threw his arms around her and said:

"Stop, stop, let us go back to God. Let us go back."

Oh, Jesus Christ, help every man here to say: "I will go back. I have strayed long enough. I will go back now." Will you, brother? God help every

man to say, "This night I have taken my last step in the wrong direction, and have turned round." This is just what God wants sinners to do—to turn round—to turn round. Will you to-night say, "God being my helper, I will stop. I will turn my attention to Heavenly things and eternal things. I will look after my soul, if I starve to death." Will you do that?

Now we are going to dismiss this congregation, and those who wish to retire can do so, but I hope those who are not Christians will remain and if you are a Christian and want to help us, remain with us. Let us make this Friday night a night of preparation for a higher and a better life. Let one hundred of us say: "I want to prepare to enter the Church on Sunday morning." If there is any man interested in his soul let him stay and talk and pray with us to-night.

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